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**Totonac ‘Usos y Costumbres’: Racial Sensibilities and
Uneven Entitlements in Neoliberal Mexico**

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**Totonac ‘Usos y Costumbres’: Racial Sensibilities and
Uneven Entitlements in Neoliberal Mexico**

by

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Dissertation

Presented to the Faculty of the Graduate School of
The University of Texas at Austin

in Partial
Fulfillment of the
Requirements for the
Degree of

Doctor of Philosophy

The University of Texas at Austin

December 2012

Dedication

To Griselda Tirado, Don Pedro, Don Santiago

In Memoria

ACKNOWLEDGMENTS

I began my work in Huehuetla in the midst of what has been a long political battle between the Totonacs and local land bosses or caciques. The Totonacs never gave up, despite the ferocious violence directed towards them in response to voicing their rights as a people. The death of Griselda Tirado, local human rights activist and prominent leader of the organization touched all of us. The significance of such event transcended local politics and speaks to the global structures of power and its ever-reaching tentacles and ongoing rearticulation from which only a few benefit. This dissertation emerges out of a collective impulse to understand, to put into words the dehumanizing events and effects to which many of us are submitted.

But this dissertation also seeks to put into words the multiple acts that make us be human; acts of love, charity, and solidarity. I am grateful to have shared and accompanied Totonac women and men in the search for a better future for all. You taught me so much. Thank you Griselda, Edmundo, María, Pedro, Pancho, Migue, José, Chundo, Don Manuel, Don Santiago, Hilaria, Doña Nena, Rosa, Salvador, Alma, José M., Claudia, Lupita, Liz, the Carmelitas Descalzas nuns that received me so many times in their home and all the *compañeras* and *compañeros* that made my stay in Huehuetla a life experience. I also want to thank the Totonac women and men of Huehuetla who let me into their homes, families, and worlds, particularly the Valencia family who essentially adopted me and showed me the intricacies of Totonac family life. I was able to share with them wonderful and deeply painful moments. I know that Don Pedro

Valencia will forever be part of each one of us who had the privilege of interacting with him, although he is no longer with us.

The Indigenous Court authorities and staff opened their second home, the court, to me. The privilege of walking endless hours, watching them debate over a court resolutions, learning the hardship of running a court with little resources, eating and sharing meals on the daily basis taught me so much about what justice looks like in the eyes of Totonac women and men. I learned so much while accompanying this particular process. I am grateful to have encountered great people like them.

My academic and activist path began at home, in Mexico City. Friends, colleagues, and professors there always made sure to encourage me in my scholarly path. I especially thank CIESAS D.F. for the ongoing support of young scholars like me. I always felt at home there. I thank María Teresa Sierra; a wonderful friend and teacher who has encouraged me and seen me grow through out my academic career. She was responsible for introducing me to the highlands of Puebla. They seduced immediately. I thank her for her encouragement and for being such a great example for me and other women anthropologist. Francois Lartigue is another important professor and friend in my life whom encouragement and support made my dissertation what it is today. Adriana Terven is a colleague, friend, and an important *compañera* during my fieldwork years. I love her analytical gaze and devotion to her research. Her sense of humor and commitment to the communities of the highlands definitely kept me from resigning at times that processes made no sense.

I thank my dear friends from my high school years who have made life full of colors and laughter, passion and commitment. Julieta, Mariana, Stefanie, María, Ana,

Gaby, y Alejandra. Thank your for accompanying me in this long life journey even if form afar. In particular, I thank Alejandra a dear friend but also a long time intellectual partner with whom dreams of equality never seem to far fetch. My friends from one of the most formative times in my life also play an important part in this work as the knowledge I have accumulated has always been in conversation with others. Thank you Gabriel, Itzam, Tania, Mariana C., Violeta, Juan Manuel, Guty, Jean Frederick, Elsie, Elin, Norma, and the Osuna family.

In Austin I have many people and friends to thank: Susy my dear friend and partner in crime, Lynn, Mariana, Pablo, Nancy, Mireya, Teresa V., Heather, María and all my cohort who made Austin such a great place. Vivian Newdick I will never forget the endless favors she made for me while I was afar. I cannot recount the many moments she provided emotional support through out these last years as we both embarked in the serious tasks of writing a dissertation while raising a young toddler. We share the great joys of giving birth twice.

I want to thank the Activist Anthropology program for leading such an important work and creating the space for students to critically think about our tasks and responsibilities as anthropologists beyond the academy. I could have not been in a better place. I am indebted to Shannon Speed my advisor who despite my many challenging moves and unusual academic paths supported me until the end. I am whole-heartedly grateful for her academic guidance and input through my career. Charles Hale, Joao Costa Vargas, María Teresa Sierra, Luis Cárcamo-Huechante, Guillermo Padilla, guided and supported me in building my critical thinking. I thank them for that and I hope to keep the conversation going.

I am deeply grateful to the anthropology department of the University of Illinois Urbana-Champaign who for the past six years provided me with a collegial space to write and to exchange ideas. I particularly want to thank Andy Orta, Alejandro Lugo, Ellen Moodie, and Charles Roseman for their support. While writing the dissertation, I had the privilege of joining writing group who provided me with critical feedback and friendship.

To my friends Maritza, Martina, Edna and Sunil who make this little town Urbana-Champaign a wonderful place. Thank you Isabel Scarborough and William Girard for your sharp comments. I will always cherish those great conversations at Café Paradiso. Lourdes Guitierrez Najera and Edna Viruell-Fuentes provided me with endless intellectual support and structure when despair and panic came about.

This dissertation would have not been possible without the financial assistance from numerous institutions and programs including the William and Flora Hewlett Doctoral Field Research Fellowship in the Social Sciences, the Foreign Language and Area Studies Summer Fellowship (FLAS), the Tinker Summer Research Grant of University of Texas at Austin, the E.D. Farmer Fellowship, the Mexican Center at University of Texas at Austin, the International Fellowship from the National Council of Technology and Science (CONACYT), Mexico, the Program of Graduate Fellowship in the Social Sciences funded by the John D. and Catherine T. MacArthur Foundation, the Ford Foundation, and the William and Flora Hewlett Foundation.

To my father Héctor who pushes me to be the best I can. His help allowed me to accomplish my dreams. Thank you. To my mother Luz María encourages me to follow my passion and always reminds me that life is what you make of it. My dear sister Helena who received me, and my multiple crews in Mexico and made sure I felt at home. With

out her this project would have never been finished. To my brothers Santiago, Emiliano, and Martin have in so many ways been present through out this journey.

Lastly, my husband Gilberto Rosas read multiple drafts, edited and provided me with loving support through out. There are no words for his endless love and support. I have watch him grow into a strong and confident scholar and its his trajectory and dedication that inspire my scholarship. In our journey as students and scholars we have brought to the world one of our biggest joys of our lives our son Teo. I thank him for grounding me and showing me the joys of a simple life.

Totonac ‘Usos y Costumbres’: Racial Sensibilities and Uneven Entitlements in Neoliberal Mexico

Korinta Maldonado, Ph.D.

The University of Texas at Austin, 2012

Supervisor: Shannon Speed

This dissertation investigates the pernicious effects of neoliberalism in postcolonial, ostensibly post-racial Mexico. I analyze and thickly describe the daily negotiations of race in neoliberal Mexico, as they play out between indigenous Totonacs and Mestizos, or dominant, non-indigenous, non-Black identity, in a small town in central Mexico. I focus specifically on the discursive and material life of indigenous “traditions and customs,” or *usos y costumbres* that reverberate within and around an Indigenous Court in Huehuetla, Puebla. *Usos y costumbres* is the core concept around which indigenous rights revolve and the legal justification of the indigenous courts. As such it becomes *the* arena of struggle and a key site to investigate power relations and social transformations. First, I analyze and chart how Mestizo authorities, Indigenous Court officials, and Totonac community members struggle to fix, define, and redefine the meaning of *usos y costumbres*, and consequently shift local racial sensibilities and perceptions of self and others. Second, I analyze how the success of indigenous mobilizations, crystallized in this case in the courthouse, incites potent decolonial imaginaries, knowledge productions, and practices that in previous moments were likely unimaginable. The central aim of this dissertation is to demonstrate how the multicultural logics of governance and related languages of rights and cultural

difference are lived through, incorporated in, and complexly contested in Huehuetlan social life. I will argue that the formative effects of state-sponsored multiculturalism in Huehuetla repositioned the Totonacs as subjects with power, crystallized in the institutionalization of “cultural knowledge” as jurisprudence in the Indigenous Court, that reverberates in daily confrontations with the legacy of hegemonic Mestizaje.

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INTRODUCTION

This dissertation investigates the pernicious effects of neoliberalism in postcolonial, ostensibly post-racial Mexico. I analyze and thickly describe the daily negotiations of race in neoliberal Mexico, as they play out between indigenous “Totonacs” and Mestizos or dominant, non-indigenous, non-Black identity in a small town in central Mexico. I focus specifically on the discursive and material life of indigenous “traditions and customs,” or *usos y costumbres* that reverberate within and around an Indigenous Court in Huehuetla, Puebla. *Usos y costumbres* is the core concept through which indigenous rights revolve and the legal justification of the indigenous courts. As such it becomes *the* arena of struggle and a key site to investigate power relations and social transformations. First, I analyze and chart how Mestizos authorities, Indigenous Court officials, and Totonac community members struggle to fix, define, and redefine the meaning of *usos y costumbres*, and consequently shift local racial sensibilities and perceptions of self and Others. Second, I analyze how the success of indigenous mobilizations, crystallized in this case in the courthouse, incites potent decolonial imaginaries, knowledge productions, and practices that in previous moments were likely unimaginable. The central aim of this dissertation is to demonstrate how the multicultural logics of governance and related languages of rights and cultural difference are lived through, incorporated in, and complexly contested into Huehuetlan social life. I will argue that the formative effects of state sponsored multiculturalism in Huehuetla repositioned the Totonacs as subjects with power, crystallized in the institutionalization of “cultural knowledge” as jurisprudence in

the Indigenous court, that reverberates in daily confrontations with the legacy of hegemonic mestizaje.

Indigenous *usos y costumbres* have historically played a key role in informing colonial and postcolonial non-indigenous national imaginaries with respect to indigeneity, as well as in shaping indigenous subjects themselves in Mexico. *Usos y costumbres* as discourses and practices condense multiple genealogies. They range from distinct historical formations and state projects centrally revolving around colonialism, post-revolutionary mestizaje and its counterpart indigenismo, and neoliberal multiculturalism. Hegemonic notions of *usos y costumbres* construe these as indigenous cultural practices and customs inherently in opposition to rational scientific knowledge. *La costumbre* in this respect often refers to supposed superstitions, ignorance, and the putatively non-modern, which come to signify racial difference through markers that are thought of as innately indigenous¹. In contrast, I hold that Mestizos, following global logics of race and with *whiteness* as its normative pinnacle (Winant 2001), are imagined as unmarked and devoid of culture. Mestizos, the privileged national subjects of Mexican Mestizaje, are *defined by what they are not* (Daniel and Schulz 2006:89) or imagined not to be, that is, not cultured, and non-indigenous. Within national and local discourses, these logics of cultural difference have historically veiled distinct social hierarchies and the inequitable distribution of power and resources. Thus, I take race and its logics of

¹ Binary discourses amplified within Mexican ideologies of Mestizaje, which included in the national project only indigenous peoples, white Europeans and their offspring, excluding and erasing African descendants and Asian peoples out of the national imaginary and project. In Mexico in comparison to Colombia for example, blackness is never held as a point of reference. See Wade, 2004.

racialization as the backdrop for these sensibilities and national and regional power dynamics.

In the current context of multicultural reforms and indigenous struggles for autonomy and self-determination, the importance of analyzing *usos y costumbres* and its complex formations resides within their contentious meanings and their rootedness to discourses of race and racial hierarchies. I understand *usos y costumbres* as comprised of multiple webs of significations, relations, subjects, and racial sensibilities tied to local and global processes of neoliberalization, colonial structures of power and decolonial possibilities. *Usos y costumbres* thus constitute a vehicle from which to understand contemporary indigenous formations in Huehuetla and their complex tensions with Mestizos and Mestizaje.

The Indigenous Court of Huehuetla is a state-sponsored institution that opened its doors to the public in February 2004 after several months of negotiations between Totonac and the state government. There are six Indigenous Courts in the state of Puebla. The first Indigenous Court opened in Cuetzalan, a Nahuatl town with strong political ties to Huehuetla. It was set up as the government's pilot project. In the subsequent years four more Indigenous Courts would open in Pahuatlan, Huehuetla, Quixmitlan, and Tlatotepec de Porfirio Diaz, all in Puebla. However, of the six Indigenous Courts only Huehuetla and Cuetzalan work effectively².

² Although I do not do a comparative study of the courts of Huehuetla and Cuetzalan, I often compare both cases in order to capture the unevenness and exceptionality of these processes.

The Huehuetlan Indigenous Court was a direct result of the twenty years of active Totonac struggle against the local caciques and the everyday violence exerted towards the Totonac communities. It could be said, that the assassination of Griselda Tirado, a local Human Rights lawyer and key member of the Totonac Independent Organization (OIT), as well as an increase of sexual violence against Totonac women by Mestizos birthed this institution. Such events, which gathered national attention, certainly allowed for its materialization.

Yet, such Totonac mobilizations were not new. The Totonacs of Huehuetla had a long trajectory of mobilization that gathered momentum in the eighties, as they became one of the first indigenous peoples in Mexico to win municipal office. At that time, they formed a rather successful coalition with the newly formed leftist political party, commonly called the PRD³ despite Puebla's history of and long history of faithful affiliation to the most conservative factions of the PRI⁴, the hegemonic state party up until then. The Totonac governed for three terms, from 1989-1998 until a Mestizo-backed government by the PRI took back the local township. By the time of the indigenous movement renewed effervescence in 1994, the Totonac of Huehuetla were imbued and well versed in indigenous rights lexicon of the early nineties, which revolved around the International Labor Organization Convention No. 169 on the Rights of Indigenous and Tribal Peoples ratified by the Mexican government in 1990. The Totonac would later integrate and identify as well with the Zapatistas struggle for autonomy and its particular articulation of indigenous rights. By 2001 with states infamously Indigenous Rights

³ I refer to the Partido Revolucionario Democrático (the Democratic Revolutionary Party).

⁴ I refer to the Partido Revolucionario Institucional (Institutional Revolutionary Party).

reform and its generalized opposition to these by indigenous organizations through out the nation including the Totonacs of Huehuetla, indigenous rights languages and discourses had acquired a multiplicity of meanings and had materialized into distinct legal forms. This constitutes the context from which in 2002 the Supreme Court of Justice of Puebla approved in a plenary decree the creation of the Indigenous Courts in Puebla in response to the Indigenous Rights and Culture Reform. Such legal reforms were not only an effects of national oppositional forces but also through out the nation but the result of global legal shifts.

An overarching question drove this project: how has neoliberal multiculturalism and related rights languages rearticulated racial politics and sensibilities where mestizaje is still the hegemonic national framework? And this question implies several lower order questions: what are the effects on the ground of the institutionalization of Indigenous rights, particularly with respect to the Indigenous Court? What role does the languages of indigenous rights, specifically *usos y costumbres* and its derivatives, play in contemporary constructions of radicalized identities like that of Totonac and Mestizos? What are the uses of these rights discourses and practices in their local setting? In what contexts are they mobilized and how?

My research thus captures the ongoing tensions, conflicts, and related struggles to fix and redefine the meaning of indigeneity in an era where several scholars argue that “the cultural” or multiculturalism is a core pillar of neoliberal regimes. I examine the tensions that emerge within contemporary assemblages of *usos y costumbres* as rights languages, the ways in which Totonac appropriate such languages, how they navigate the

paradoxes and tensions emerging within them, and the effects of these within Huehuetlan social relations. Furthermore, I show the particularities of the Huehuetlan process and its significance in relationship to other indigenous regions where the politics and discourses around *usos y costumbres* have evolved in distinct manners.

To assess such questions I draw on the work of anthropologists who view the recognition of culture and cultural difference as a central strategy of neoliberal governance and point to the amplification of radicalized inequalities (Hale 2004; Hale 2006; Speed 2008; Postero 2005). The multicultural turn evident in the multiple constitutional reforms that marked last decade of the 20th century (Van Cott 2000) did little to transform the politics of redistribution (Hale 2006). I thus contribute by elaborating on these interventions in terms how such social hierarchies and legal forms are rooted in the colonial order of things (Quijano 2001; Lugones 2010).

That is, I draw on what has been termed the “coloniality of power” in order to foreground the asymmetries in resources and power rooted in the colonial history of the Americas. Quijano’s “coloniality of power” foregrounds ‘race’ differently. It offers a certain degree of specificity, privileging the history of Iberia colonialism in the Americas and their subsequent production of racial dominations as central in capitalist social formations, and thus replacing “Eurocentric theories of social classes,” (Quijano 2000), while foregrounding the Spanish and Portuguese dominations of the America.⁵ Thus, the coloniality of power complements certain iterations of critical race theory. It foregrounds

5 “Notably, it also makes conceptual room for understanding historical disputes over control of labor, sex, collective authority, and intersubjectivity as developing in processes of long duration, rather than understanding each of the elements as predating the relations of power” (Lugones 2007).

how despite formal abolishment of regimes of apartheid and Jim Crow, or the shift to multiculturalism in Mexico and other parts of Latin America racial injustices persist, as does critical race theory. Moreover, both similarly highlight how the idea of race emerges with the dawn of oversea empires (Winant 2000).

It is my contention that certain global logics has made race particularly salient in lived experience as a subject of analysis in neoliberal Mexico. And unlike say Brazil, where a hyperconsciousness of race and concomitant vehement negation of it plays a central role in Brazilian social relations, hierarchies, and distribution of resources (Costa Vargas 2010), in Mexico generally and Puebla specifically, the racial legacy of hegemonic mestizaje, rooted in the colonial encounter, are vastly mediated by its whitening promise, a promise which can Ibero-American modernity and coloniality afford a complex understanding of the organization of labor. They enable us to see the fit between the thorough racialization of the division of labor and the production of knowledge. Notably, Quijano argues that the structure is not a closed totality (2000b: 355). And these fissures are where my ethnography fits. It how the Totonacs draw on *usos y costumbres* to contest and mediate Mestizo power and gesture at decolonial currents, imaginaries, and possibilities.

Thus I make two interventions in this dissertation. First, the way in which technologies of neoliberal governance amplifies and reproduces racial hierarchies and social inequalities into the everyday fabric of Totonac and Mestizo alike. Second, I analyze and represent how actors constantly push at the margins of the state (Das and Poole 2004) and engage with the zones of illegibility (Poole 2004) produced by these

neoliberal multicultural regimes. I argue that such understandings do more than contest ongoing power relations. They birth alternate forms and understandings of social life (Casanova 1963;Cusicanqui 2012;Escobar 2010) and reproduce communal bonds beyond the scope of the neoliberal gaze. Anthropologist Bret Gustafson (2009) speaks of the simultaneity of these processes and the productive intersections that these generate very much in line with critical and racially informed Gramscian notions of hegemony (Hall 1986).

That is to say that the languages of *usos y costumbres* crystallize how distinct meanings, histories and languages of subjugation and liberation “exceeds” the states reach (Poole 2004). Despite its colonial, post revolutionary clientelist legacies, and contemporary multicultural legal imprints that *usos y costumbres* hail, it is also the entry way to an/other understanding of self (collective and individual) from which to challenge the constricted neoliberalized discourse of multiculturalism. In this sense, I look at the transformations at the level of everyday relations and understandings of self rather than just looking only at the constraints and hierarchies that such multicultural assemblages generate. In a larger frame this research intends to understand the effects of neoliberal rights regime in/on at the societal level and in doing so understanding the making of political identities in such contexts.

My research interest emerged in the context of my return to Huehuetla after being away. Upon my return in 2004 after two years, it was clear to me that ‘the order of things’ had shifted. Roads had been built, as had a huge hospital with a “traditional” medical clinic. There was also Internet cafes, the State of Puebla Intercultural University,

and the Indigenous Court. Expecting the usual segregation that characterized the 20th Century post revolutionary indigenous communities, I saw Huehuetlan, both indigenous and Mestizos co-mingle and move in ways I had not seen before. Things and their order had changed.

What unfolded before my eyes was the result of ongoing indigenous organization and mobilizations through out the country and the states politics of recognition. Since the 1994, two established indigenous political actors took center stage. The Zapatista National Liberation Army took up arms and the National Indigenous Movement demanded the state recognition of indigenous rights. In a staged appeasement, the Mexican state created the aforementioned the Indigenous Rights and Culture reform.⁶

This recognition limited to a set of proscriptive rights left untouched the economic structures that privileged only a few. Even more, the aforementioned reform was not a federal mandate. It allowed state legislatures to apply its general principles according to regional needs and the consideration of local governments. Puebla was among the first state governments to implement its own state version of the Indigenous Rights Reform.

Unsurprisingly, in Huehuetla as in the rest of the country the reform on indigenous right did not alter the economic infrastructure. Despite a new rhetoric of equality and diversity, in practice, Totonacs remained subordinated to economic, social and political practices that privileged the non-indigenous population. Racial hierarchies

⁶ The Indigenous Rights and Culture reform was a watered down version of the initial document negotiated over months with the distinct indigenous groups of the country and the EZLN. Within the distinct organizations and social sectors in solidarity with the indigenous movements this reform was known as counter reform indigenous rights and culture.

remained. For example Doña Julia, a Mestiza who I leased my room from, would always have Manuela, her Totonac house keeper, walk behind her in public, making sure to not disrupt the established racial, class, and gender hierarchies. Manuela would walk quietly barefoot always vigilant of the needs of the landlady. This practice in 2008 could have very well have occurred in 1905.

But back to the many things that had changed. There was an indigenous multicultural institution: the Indigenous Court. It was run by highly respected indigenous elder with a long trajectory of participation and leadership within the local indigenous organizations. Don Manuel Aquino, the indigenous judge elected through communal assembly had a particularly long involvement with the Independent Totonac Organization (OIT) and with the local liberation theology church. A mediator, two secretaries and initially the council of elders was actively involved. All of these actors emerged from long trajectories of struggle and/or from the school opened up by the OIT.

The OIT had long articulated a political platform centered on autonomy and self-determination. Yet, their efforts diminished with the state's multicultural reforms. The institutionalization of indigenous rights materialized in multicultural institutions such as the Indigenous Court, the Intercultural University of the State of Puebla, and the traditional medicine unit of the Integral Hospital. Again, I am of course not suggesting that the violent and extremely racialized relationships between Mestizos and Totonac disappeared. But new tensions and paradoxes of the shifting modes of power and its concomitant new racial sensibilities necessitate new analytics.

Uneven Entitlements: From Mestizaje to Multicultural Mexico

Neoliberal policies towards indigenous peoples in Mexico mark a departure from earlier post-revolutionary state politics of mestizaje. Mestizaje can be understood in many ways. I take it as a state ideology implemented after the Mexican Revolution intended to build a homogenous national body through politics of assimilation and racial mixing in light of at least a decade of violent carnage and civil war.

The project of mestizaje was built on the ideological construct of the ‘Cosmic Race’, a cultural and racial synthesis of European and Indian populations. Ideas of modernity and development saturate the discourse of mestizaje. It translated into government policies that sought to incorporate Indians within the nation in order. The state envisioned education as a central tool from which to convert indigenous population into modern subjects. Mestizaje was implemented throughout Latin America as a state project of nation building. Nonetheless, in Mexico it had unparalleled success. It largely dominated the national social fabric up until the neoliberal state adopted multiculturalism as a new strategy of governance.

The order of things shifted with the Mexico’s gradual adoption of neoliberal politics and policy in the early 1980s, and its full consolidation in the 1990s. This translated to a political project which sought to dismantle the welfare state and replace it with a decentralized, efficient, pro-democratic state based in policies of “fiscal austerity, privatization, market liberalization, and government stabilization and pro-corporate capitalist guarantors of private property relations” (Duggan 2003). It is notable as such policies spread throughout the country, state-sponsored multiculturalism made its debut.

Such tensions took life in the first hours of January 1, 1994 at the onset of the North American Free Trade Agreement, among Canada, Mexico, and the United States. Hundreds of ‘Indians’ from the Lacandon Jungle and highlands of Chiapas officially declared war against the Mexican State, seeking to make visible the place and conditions of indigenous peoples within the nation. They framed their struggle within terms of rights and their contradictions: the ironic concomitant legal reforms that on the one hand acknowledged the plural make up of the country⁷ while taking away land rights gained as a result of the Mexican Revolution⁸ (Speed 2005). The ironies of these processes dramatized a deep paradox: land dispossession and impoverishment of indigenous territories occurred as the government recognized and shifted to discourses on the recognition of cultural difference.

The nation-state had adopted series of legal reforms that discursively promoted a new relationship between the state and the distinct sectors of the Mexican society. It constituted the state’s attempt to delimit the ongoing struggles within the confines of the law. Yet, beyond containment, multiculturalism set the state as the central arbiter of right-based struggles (Speed, 2008). In this respect, the Mexican multicultural regime is an assemblage of a multiple frames and discourses particularly those of international and national rights. Exemplary is the signing and ratification of the International Labor Organization Convention 169 (ILO), which acknowledged the collective rights of

7 Article 4th of the Mexican Constitution states the pluricultural make up of the nation. Later with the Indigenous Rights and Culture reform of 2001 article 2nd was modified to integrate in greater detail the definition and recognition of indigenous peoples and communities.

8 The modification of article 27 of the Mexican Constitution allowed for the privatization of land holdings, land rights inherited in the Mexican Revolution.

indigenous people including their right to territory and natural resources. Later, in 1992 the state modified Article 4th of the Mexican Constitution⁹ in order to recognize the plural constitution of the nation. Yet, these international and national laws were overshadowed by the 2001 reform on the Indigenous Rights and Culture, which obliterated rights previously acknowledged in the ILO Convention 169. Even worse was the state's mutilation of the indigenous rights proposal forged in negotiation with the EZLN and a multitude of indigenous peoples and organizations during a period of five years. These tensions underscored the logics of exception embedded within neoliberalism. It allows for these blurred spaces to become core spaces of governance, spaces which indigenous peoples such as the Totonac push.

The paradoxes emerging from this state model of governance in Mexico are also visible in the constitutional reforms of Articles 4th and 27 (Assies, Ramírez Sevilla and Ventura Patiño 2006; De La Peña 2006; Speed 2008). The former recognizes the plural makeup of the Mexican society while the other one takes away land rights thus, eliminating historical forms of economic subsistence of millions of peasants and indigenous people. Many scholars have called this process “neo-indigenism” or “low intensity indigenism” (Gómez 2004;Hernández Castillo, Paz et al. 2004) a state politics characterized by a discourse of cultural recognition that maintains a vision of indigenous peoples as objects in need of assistance and not as subjects with rights. These conceptualizations are important as it underscores the continuity and structuring power of mestizaje and indigenism. This logic is reflected in the Law on Indigenous Rights and

9 The precepts of this article were later restaged in article 2nd of the Mexican Constitution.

Culture reform, which recognizes indigenous peoples as ‘subjects of public interest’ and not as ‘subjects of public right’ disabling them from their right to autonomy and situating them once again as subjects under the tutelage of the state (Speed 2007).

Similarly, the state of Puebla modified its local constitution to include the Indigenous Rights and Culture reform. Of the 32 federal entities that make up Mexico only seven states actually reformed their internal civil and penal codes in order to accommodate the multicultural shift (Terven 2009). In 2002, the state Justice Tribunal of Puebla approved a decree for the establishment of Indigenous Courts in response to the reform of articles 2 and 17 of the Mexican Constitution. Article 2nd states that all persons have the right to justice in a full, prompt, and impartial manner, and article 17 states that members of an indigenous people are entitled to exercise their normative systems in conflict resolution and regulation beyond constitutional rights (Maldonado Goti and Terven Salinas 2008). Furthermore, indigenous institutions are recognized under the legal figure of the Minor Court of Civil and Social Defense and thus have particular competences and jurisdiction.

Moreover, in 2005 indigenous justice, and subsequently the Indigenous Court, was recognized as an alternative means of justice, the role of which was to assist the formal channels of conflict resolution. These means of alternative justice include mediation, reconciliation, arbitration, and the indigenous legal traditions and customs of the indigenous peoples.¹⁰ Adriana Terven (Terven 2009) has argued that such positioning

10 USAID is deeply involved in providing guidance in the process of decentralization, “democratization,” and thus the multiple legal reforms, including that of the judicial reform, that take place with the shift to neoliberalism. Today many state projects linked to the promotion of the rule of law program of the USAID, together with the American Bar Association (ABA), will finance through Plan México, also known as the

within alternative mechanisms of justice leaves the Indigenous Court undetermined within the state judicial order: “It is unclear whether the Indigenous Courts are part of the state's ordinary justice system or an alternative to them”:(3) The implications of this ambiguity paves the way for the possibility of an Indigenous Court that might even work against the indigenous communities and their fight against racial oppression or for one that is ripe for decolonial possibilities.

Puebla’s history further complicates this analysis. The multicultural reforms took place due to the mounting pressure of indigenous organizations throughout Mexico, but particularly from the indigenous groups from region of the North Highlands of Puebla. Moreover, mounting pressure from the federal government to resolve disputes between parties in a fast and cost efficient manner played a key role as Puebla held importance as a commercial corridor between North and South America.¹¹ The Plan Puebla Panama (PPP) as a regional trade/development project underscores precisely these regulatory necessities with respect to conflict resolution and commercial disputes that also came into play when recognizing and integrating these legal/judicial reforms.

It is within such complexities that the state of Puebla incorporated the Law on Indigenous Rights and Culture in to their constitution. The state government used the same ambiguous and limited language of the federal constitution by privileging the

Merida Initiative, a plan that will, through US military aid, lead to the militarization of the country: “Some of this assistance will be provided by the U.S. government through the Mérida Initiative, a \$1.4 billion assistance package intended, in part, to combat organized crime in Mexico.”

http://www.abanet.org/rol/news/news_mexico_aba_rol_delegation_visit.shtml consulted in May 2009.

11 It is important to situate geopolitically the state of Puebla and key place within the commercial corridors from north to south and as well as a key corridor from the port in Veracruz to central Mexico.

national laws over indigenous forms of social organization and particularly of interest to my study, the justice systems (dispute resolution mechanisms) (Terven 2009).

That is, the multiple legal reforms of multiculturalism must be seen not only as an effect of the reorganization of global capital and national interests, but also to the highly politicized and radicalized indigenous movements that legitimized their demand for a new social order through the language of rights. Indeed, global languages of rights enabled the emergence of new subject positions and subjectivities that challenged power in unexpected ways despite the neoliberal logics embedded within them (Commaroff 2009). Legal anthropologists in this respect point to how local actors appropriate languages of rights to advance their struggle and in many occasions have succeeded (Merry 1996; Speed 2002; Goodale and Merry 2007).

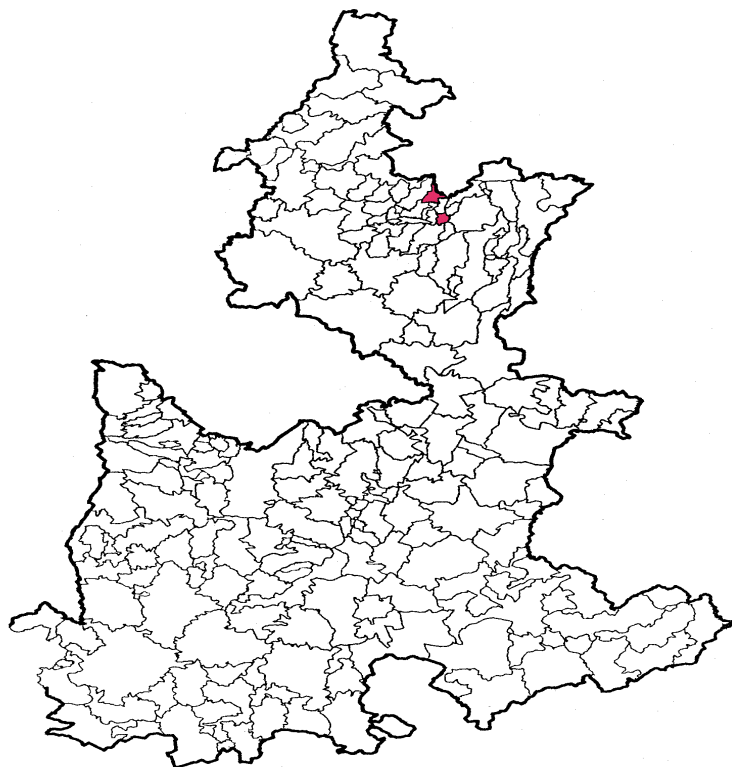
It is in this charged context that of late twentieth century and early twentieth-first century Mexico that new languages of tradition and custom emerged. Mexico generally and Huehuetla specifically thus capture the tensions between complex struggles around multicultural reforms: the intersection of a rapid entrenchment of social, political and economic neoliberal restructuring of the nation-state and the anti-globalization, typically indigenous, movements against it.



Map 1: Puebla state, Mexico

Situating the Field

Huehuetla has a population of 15,616 people, distributed over 13 localities. Of those, approximately 92% are Totonac and 8% are Mestizo(non-indigenous). In the late 70's and 80's, the coffee boom, overseen by the state's Mexican Institute of Coffee, drove the political economy of this region. Yet today, the municipality is among the most impoverished: sixth place statewide and 112th nationally. Agriculture is the principal activity of the Totonac taking up 79.6% of the population of Huehuetla. In terms of education, 40% are illiterate and 69% of the school-age population does not attend school (Conteo de Población y Vivienda 2005). The social relations in the municipality, in contrast with many other indigenous towns, remains organized through a mestizo-indigenous dichotomy, a legacy of the colonial social order.



Map 2: Huehuetla (marked in red), Puebla, Mexico

In the late 70s and 80s the coffee boom, overseen by the state's Mexican Institute of Coffee drove the effervescent economy of this region. Yet more importantly this experience laid the foundations of what the Totonacos imagined with respect to their relationship with the corporate led clientelist state, which transformed Totonac communal/peasant economy to one fully dependent on the state (Smith 2004). This golden epoch paradoxically of wealth and dependence informs Totonac political imagination today.

Politically, the Totonac communities have been exceedingly well organized and mobilized in comparison to the rest of the indigenous communities in the region.

Huehuetla was one of the first townships in the country to win local office. After nearly a century of Mestizo domination, indigenous Totonac in 1989 won control of the municipal office.¹² Since the beginning of the 20th-Century, a very small non-indigenous population had run the local government posts, pushing the Totonac out of these political spaces. The Totonac electoral victory was possible because of the massive Totonac mobilization, which was experienced as a historical collective achievement.

The indigenous communities were active participants during the three victorious electoral processes and the nine years of indigenous government that lasted from 1989 through 1998 time in which Totonac in the process of governing gave new meanings to indigenous of rights and citizenship. Furthermore, during this time the Totonac struggle and experience of municipal government articulated with larger continental struggles around cultural recognition and rights which in the context of international legal treaties and agreements on rights gave the Totonac more leverage. Such state reforms and political conjuncture allowed the indigenous movements to build new political alliances and platforms of struggle through the language of rights (Sieder 2002). Although, the Totonac were only in office for nine years, their experience as an indigenous government, in the context of national and international indigenous movements, deeply contributed to the formation of a rights consciousness (Merry 1990) that translated into new political positioning and languages of struggle against local Mestizo power. Further, when the government of Puebla handed over the court in 2004 to the highly politicized indigenous organization, tensions between the Mestizo and the indigenous communities amplified

12 The victory was in part result of the political formation and organization implemented by the state coffee programs during the sixties, and in part result of the influence of the Theology of Liberation church.

for a while before dwindling down. It is important to underscore that the Indigenous Court played an important role in leveraging the equal access to justice for the Totonac, yet the IC also opened up a lot of questions with respect to the limitations to the recognition of cultural diversity in a nation historically configured through the politics of mestizaje.

Hence, the Indigenous Court is an ideal site to study these multicultural neoliberal dynamics because it represents both how changes in state policy effect indigenous people and the ways that indigenous people play their own power relations through local interpretations of rights and the law. Furthermore, Huehuetla is regionally unique in that it is the only municipality with such a high level of political organization and experience with indigenous government. Consequently, the relationship of the state government with Huehuetla is highly contentious, which has translated into both an increase in resources and an amplification of policing and other forms of surveillance.

Field Research Methodologies

As previously stated, I arrived in Huehuetla for the first time in the year 2000. The previous year I had worked as a research assistant in the nearby municipality of Cuetzalan with the Mestizo led municipal authorities and indigenous women organizations as part of a research project on Gender and Legality led by the Center for Research and Advanced Studies in Social Anthropology (CIESAS in its Spanish acronyms). From Cuetzalan, two hours away from Huehuetla, I heard stories of horror

from the Mestizos with respect to the Totonac Indians of Huehuetla. I also read several stories in *La Jornada* (1995), a widely circulated national newspaper identified with the left, about the struggle for autonomy and the unique process of organization of the Totonac of Huehuetla. Such divergent stories induced my anthropological imagination and curiosity.

My initial contact with the Totonac struggle was with the director of the Indigenous High School (Kgoyom) and community leaders who, with a referral from the Cuetzalan indigenous women organization, opened their doors to me. This was not, however, without suspicion and a lot of questioning. The Totonac leaders had strict rules regarding what and how I would engage the Totonac communities, the type of exchange work I had to give, and with whom I would engage with. These initial limitations changed with time. In other words, this research is a result of a long-term engagement with the Totonac communities with whom the research content was discussed and at times questioned by them.

I had to come to an agreement with this organization in order to complete my research. Their concerns were first, for whom and with what purpose was the information being gathered. Second, they wanted to make sure that the exchange of information took place equally. Thus, I was required to teach a Local History Research Workshop and Mexican History class in the organization run indigenous high school. Later I would collaborate with the Indigenous Court through a CDI (Comisión para el Desarrollo de los Pueblos Indios) project that attempted to survey the needs and

challenges of the Indigenous Courts particularly in relationship to the local Mestizo authorities and state government agents.

I also draw from my research, work, and experiences working in the Zapatista region. In the Lacandon jungle, I had to unlearn the research methods and theoretical approaches to indigeneity that I was taught at the National School of Anthropology and History (ENAH). The Zapatista uprising in 1994 insisted on a new relationship with the state and all society. They actively disrupted the colonial relationship between indigenous communities and civil society. This shift is particularly relevant for anthropologists because of the discipline's colonial legacy. The Zapatistas would not allow any type of research done within communities unless it was crafted collaboratively with the actors involved and it had to be approved by the distinct authorities (Juntas de Buen Gobierno or los Consejos, etc.). That meant that my colleague and I (a collaborative thesis) had to present to the Zapatista authorities the research project, questionnaires, research updates, and detailed fieldwork calendar, among other material for their approval. Likewise at the end of the research process we had to present the final production for approval. Their concerns and questions of for whom and for what purpose the research served were central.

In my experience this de/learning process was not smooth or even and many times it was full of contradictions. Yet, it was decolonizing. It was paradigm of collaborative scholarship, informed by other knowledge's produced from distinct social movements and experiences across the globe and would set the tone in other indigenous regions

regarding collaborative work, the role of the anthropologist or any researcher for that matter.

It followed a particular Latin American genealogy of thought. Theorists like Brazilian Paulo Freire had long before questioned the politics of research and knowledge production. He questioned the notions of objectivity and neutrality by pointing to the relationship between power and knowledge. Freire's framework centers on the important task of repositioning the subject within the knowledge production. Dani Wadaba Nabudere (Nabudere 2008) explains how Freire's conceptualizations takes place in the late sixties and early seventies, a moment of global political turmoil, liberation struggles, women and students movement, which informed and grounded these questions regarding theory and praxis. In multiple countries through out the Americas and Africa similar queries were made. Mexico was not the exception particularly in the wake of the student and agrarian movement. Mexican anthropology given its "on the ground" and applied nature played an important role within these critiques.

Mexican anthropology played an important and very particular role during the decades of nation building and thereafter a central pillar of the state policy execution with respect to indigenous peoples through the *Instituto Nacional Indigenista* (INI in its Spanish acronyms). The integration of indigenous peoples to the nation through state intervention is widely known as *indigenismo*, such policy took a significant role after the Revolution. The state sent anthropologists to the "fields" by the hundreds. The aim was to unravel "the Indian problem" as it was perceived through the integration of the indigenous peoples to the Mexican nation. Mexican anthropologist Margarita Nolasco

(1970) points to how this political context and relationship to the state importantly defines anthropology in Mexico. Up until the end nineteen eighties anthropology was understood as a synonym for *indigenismo*.

Yet, important critiques emerged in the 1970s, principally the way in which Mexican anthropology remained at the service of the state (De la Peña, 2006). Mexican anthropologists in the offices of the Mexican state were influenced by the many historical ongoing struggles in the world. They advanced a critique of the colonial relationship between the state indigenist apparatus including anthropologists and the indigenous communities (Warman and Mercedes, 1987). Such intervention foregrounded concepts like internal colonialism. But these critiques did not shift the overall logics, methods, and of Mexican anthropology, yet it did open the door for the critique of the anthropologist positionality and role within social processes.

My initial formation within these historical and theoretical currents very much attached to a nationalist applied anthropology, *indigenista* to the core and simultaneously experiencing the shifts in discourses, forms of organization, and mobilization and overall platforms of struggle *in* the field as active agent and participant, created a feeling of disjuncture and contradiction that became the place from which I would analyze and frame my theory and field methods. In that sense, I relate to anthropologist Jemima Pierre (2008:118) following Black feminist and activist research points on how “our individual projects in the 'field' are intimately connected to our individual/collective experiences as positioned researchers.”

From such lived experiences tied to distinct genealogies of struggle, movements, and social formations is that I engaged with Third World and radical feminists, and activist anthropologists in the United States. That is, such theories allow me to name my experiences beyond “commonsensical” notions, many formed through a nationalist patriarchal lens and others, through practices of individual and collective resistances. I drew from and integrate critical feminists who problematize the distancing of “self” from “other,” and the legacy of anthropology’s colonial heritage (Asad 1992; Fabian 1983; Visweswaran 1988). In particular feminist activist and social thinker Donna Haraway contributed importantly to this debate adamantly arguing for a perspective that would not fall into the objectivist white imperial paradigm or the relativist postmodern validation of all “truths” and knowledges or what she calls “a way of being nowhere while claiming to be everywhere equally” (1991).

I am also influenced as well by activist anthropologists who, echoing the aforementioned, challenged the terms and the politics of engagement in the field. Activist anthropologists propose “not only a commitment of the critique of the powerful but also a commitment to the social struggles on the ground ” (Hale 2006:103). As with feminist ethnography, activist research attempts to address the power relations embedded in the ethnographic practice and the importance of *critical engagements* (Speed 2008) with the people under study. Thus, they emphasize the collective construction of knowledge (Mohanty 2003; Speed 2008). The methodological propositions embedded in these perspectives imply recognizing the power-laden relationship of “researcher and subject” and acting upon it, thus moving from an individual production of knowledge to a

collective one. The implications of such engagements are that the knowledge produced responds to the necessities of the people researched in a way that it could provide new languages and strategies of struggle. But more than biography, these experiences and my critical training in ethnographic methods deeply inform how I approached my field methods.

There are many challenges when engaging with activist anthropology. I try throughout my dissertation to critically engage with the on going disjunctures, contradictions and ambivalences. Yet, many I chose to leave aside are certain aspects of the Totonac organization that could potentially damage their political process. Such ethical stances are some many of the challenges that activist anthropologist are faced with when opting to engage with processes from within. That said the organized Totonac of Huehuetla as any other political subject myself included are not an unified peoples, organization or collectivity. The Totonac organization and communities are not homogenous and they reproduce social hierarchies within them including racial, gendered and classed.

Upon beginning my formal ethnographic fieldwork, I asked to meet with the leaders of the aforementioned Totonac organization (OIT), the regional organization (UNITONA), the indigenous authorities of the Indigenous Court and the board of directors of the Indigenous High School. Unfortunately, at the time of my doctoral fieldwork the OIT was collapsing after years of systematic attacks from the local government and a growing economic gap between peasants, laborers and Mestizo land owners and growing small business owner. As the board of directives of the organization

of the OIT fractured, the organization no longer had a clear leadership, therefore the OIT as an organization was not an active participant in this research. This context was not easy to navigate and in fact, did shift significantly my research plans in relationship to the many focus groups and workshops I had previously planned, and certain processes that I had wished I could have followed up more closely. The fractures in the organization positioned me despite all my attempts to remain neutral to be positioned/lumped in with the Indigenous Courts authorities political and ideological preferences with whom I interacted on the daily basis. However, many members of the OIT participated individually guiding and collaborating in the research process.

I nevertheless describe my dissertation within activist anthropology particularly because established relationship with the OIT, and my location as a collaborative researcher that was demanded from the Totonac authorities. As Charles Hale (Hale 2008) points out “a shared commitment to basic principles of social justice that is attentive to the inequalities of race, gender, class and sexuality and aligned with struggles to confront and eliminate them.” In other words, this dissertation is a result of an extensive, collaborative dialogue with the Totonac authorities of the Indigenous Court who closely followed the research process, helped me gather key informants and served in many cases as translators. Further my location changed over time as I was hired in the summer of 2007 as a researcher for a state sponsored research project on the Indigenous Courts of Huehuetla and Cuetzalan, coordinated by the Center for Research and Studies in Social Anthropology (CIESAS) and the National Commission for the Development of Indigenous People (CDI). The indigenous judges both in Cuetzalan and Huehuetla

proposed using the results of the state sponsored research project to negotiate better conditions for the courts at the state and local level.

I understood then and now as time passes the dangers of such collaborative engagements between the state and the indigenous communities particularly as it seemed to reproduce the paternalistic relationship between anthropologist in representation of the state and indigenous peoples. Yet, this engagement was talked out with the Totonac court authorities and we agreed that it could possibly benefit the Indigenous Court to make visible the invisible: their work despite the local authorities attempts to discredit them. My location further changed with the Mestizo authorities, as I no longer was positioned as a *revoltosa* or a troublemaker from the city but a state worker. I was in a position of power that granted me access to the other side, the non-indigenous people. Granted this was as well possible in the context of a fragmented OIT that posed no threat to the Mestizo elite.

I began my fieldwork for the present research in the summer of 2007 and stayed in the field for 10 months.¹³ I had conducted preliminary research during the summers of 2004 through 2006 and I was able to follow the Indigenous Court since its inception. I used an array of methods: structured, semi-structured, and open-ended interviews, as well as life histories, group interviews (focus groups), participant workshops, direct and participant observation, surveys, and archival research methods. I gave priority to participant observation as a central ethnographic tool in order to explore not only

¹³ I conducted preliminary research during the summers of 2004 through 2006 and I was able to follow the Indigenous Court since its inception.

discourses related to representation, but also the junctures and disjunctures of language and everyday life within a particular social context (Griffiths 2002). This approach allowed me to map out the different spaces where Totonac socialized and experienced their everyday identity formation within the particular structures of dominance they are inserted in, and the role of the law and rights discourse within these spheres.

During my stay for my doctorate fieldwork I rented a room in the center of town from a Mestizo family. For my previous research I lived in two distinct communities with two Totonac families who were kind enough to receive me. This time around given my engagement with the Indigenous Court situated at the center of town and also my family arrangements, which forced me to travel often to Cuetzalan I decided to stay in the center of town. In such case the Mestizo were the only ones that had such arrangements.

This central location allowed me not only to be a full-time observant of the everyday interactions between Mestizos and Totonac communities but also between outsiders like me and the representations and attachments that are set off by a non-indigenous city dweller like me. The Mestizo household where I resided provided an important space of observation. I was able to observe the everyday politics of labor and the production of hierarchies between Mestizos and Totonac. Frequently, the landlady contracted cheap labor from the Totonac mainly house cleaners, construction workers, and carpenters. The center of economic activity also took place here in the center of town: government monetary transactions, the farmers market and transactions between private individuals. On Sundays, the center transforms into an important regional market, which can be traced back to prehispanic market delimitations and practices. Totonac from

through out the region come to sell, buy and exchange products. Mestizo *comerciantes* come as well from the surrounding area. Sunday has as well religious connotations as the Sunday mass is served. The twelve o'clock mass is for Totonacs as the priest gives the mass in Totonac, and the six o'clock mass, in the evening, is for Mestizos, in Spanish. This is not explicitly said nor would anyone recognize it but in practice that is how it works. Also, as described before, the paving of roads and subsequently the introduction of small cars and a wider system of public and private transportation, the construction of a regional hospital, the opening of the state intercultural university brought about new dynamics and created new relationships between the distinct actors within the municipality. Being in the center thus allowed me to document as well as participate in all of these activities from a privileged space.

The regional and local offices of the indigenous organizations are located at the footsteps of the church, from which one can observe the Municipal building. The Indigenous Court house resided temporarily in that same space. Members of the organizations and of the Indigenous Court would sit in the stairs looking towards the municipal building to contemplate the Mestizos activities. Likewise, state police and municipal officers would wander around the area, creating a dynamic of mutual surveillance. I attended the courthouse daily; I often sat on the steps with the authorities and engaged in conversation with individuals who would often stop at the stairs to greet the indigenous judge, take a break or just contemplate the majestic mountains. At the entrance of the municipality the ambiance was different, usually the policemen sat outside guarding the building entrance many times armed with guns and rifles. Fewer

Totonacs wondered by these Mestizo space unless they had paper work or a pending bureaucratic business with the state. These conversations and the way people related to the distinct spaces provided first hand evidence of the everyday dynamics between Totonac and Mestizos.

I participated in multiple workshops held by the OIT and the UNITONA. The workshops varied in themes and constituency; in some instances they were internal workshops for members only. In some cases, however, the workshops were thought of more in terms of extending networks and alliances with other regional or national organizations and NGOs. The workshops were always enriching as they provided insight to the variation within discourses of the Totonac struggle, Totonac indigeneity and indigenous rights. These observations served as points of entry to the collective and individual experiences of indigeneity.

The Indigenous Court opened daily unless it was a harvest season, when the authorities prioritized their work in the fields. On those occasions the IC would close or leave someone in charge. Important cases would be moved to later dates until the Indigenous Judge returned. I would go to the court almost every day to check if there were important cases, or to follow up on a dispute, or just to observe the dynamics of the Indigenous Court in relationship to the everyday life of the Totonac.

I followed the court cases in order to understand the forms through which disputes were resolved in the Indigenous Court. I used dispute resolution as a methodological approach to document ethnographically how the role of the law and the discourses of rights inform political subjectivities and overall understandings of indigeneity. Disputed

cases have been an important tool for legal anthropologists because social attitudes, values, and practices that reflect the structures of power (Chenaut, 1995; Nader and Todd 1978). The Indigenous Court resolutions were not constrained to the physical space, the court itself. One of the central duties of the Indigenous Judge's was to rectify property boundaries, which required his presence at the site. Although I accompanied the authorities in their task, they rarely allowed me to help them measure the land. I was usually left behind with the Totonac women whose task during these important events was to prepare the meals to offer to the Indigenous Court authorities. I experienced these gendered dynamics and location of space through out my fieldwork I will later take on this aspect.

I participated as well in the Mestizo local government events in order to compare the activities and discourses used in both spaces. I followed the local political campaigns and the local government events to which I was invited. I was initially introduced to the local government particularly the township president through the Indigenous Court who was constantly in negotiation with them. Yet, I would soon develop a formal relationship with the local authorities as a result of the state sponsored research project (CDI/CIESAS) from where we organized several workshops and forums with authorities Mestizo, Nahuatl and Totonac at the regional and state level.

Such events positioned me in a different light in relationship to my previous relationship with past local governments who viewed me in a tense and politically violent context as a collaborator and in solidarity with the OIT. That previous context did not allow me to interact at any level with the local government in charge of Mestizo land

bosses. This time around, the inclusion and relationship with the local government opened as many doors as it closed. Totonac men and women that knew me before hand, and who were not aware of the ongoing negotiations with the state and the multiple relationships established as a result of these, saw with suspicion my local encounters with the Mestizo in particular with the local government. These are many of the challenges one faces in the field while navigating the multiple power relations and local politics yet it is particularly excruciating when these relations are attached to particular political projects.

During my fieldwork, I conducted thirty in-depth interviews with indigenous and Mestizo authorities, as well as with members, men and women, of the OIT. In the case of the indigenous authorities, I was able to conduct follow-up interviews. I conducted a focus group interview with the Elderly Council (Consejo de Ancianos), the central political and symbolic traditional figure of power between the Totonac, and active participants in the construction of discourses on Totonac indigeneity. My aim was to capture understandings of *usos y costumbres* through a collective discussion with the Totonac.

Although the interview presented a great opportunity, language barriers often limited the information I could gather. The focus group was organized in conjunction with the Indigenous Court, yet they were not present as they had other commitments to attend to. I worked with two community members who worked as translators throughout the interview; yet despite these measures, the flow and direction of the interviews did not go as planned. Although I took classes during three consecutive summers before

fieldwork and hoped to improve my language skills during my stay, I was unable to reach a sufficient level of fluency to establish in depth conversations. Thus, throughout my fieldwork, especially when talking to women or elderly Totonac, a translator accompanied me.

Lastly, male indigenous community members hold the leadership and authority posts. My research focus entailed working with these authorities and in these gendered spaces. I was the only woman “hanging around” and working full time with the authorities. Navigating such spaces was never easy and was often troublesome. I was constantly transgressing the traditional conventions. Yet, being an ‘outsider’ made it permissible, as I could not imagine a Totonac woman transgressing such spaces with out serious consequences. Acknowledging the power-laden relationships between researcher and researched entails also pointing to the disadvantages and challenges that women face in the field.

Outline of the Dissertation

The first chapter, “The Making of Differentiated Subjects: the Historicity of the Totonac-luwan (Mestizo) Dichotomy,” maps the multiple and vexing historical processes that inform today’s understanding of Totonaqueidad—and indigeneity in general—in the municipality of Huehuetla. I trace the historical context and conditions that led to Totonac struggle, which crystallized in the late 1980s and set the pillars for today’s struggle for indigenous rights in the region. I argue that the Totonac of Huehuetla create

their sense of belonging through the continuous remembering of racialized oppression and political struggle geographically embodied in the distinct historical moments that Totonac exiled. I further argue that these narratives challenge hegemonic racial sensibilities and ordering of indigeneity, first by denaturalizing social hierarchies that situate indigenous peoples at the end of the social pyramid, and second by reterritorializing Totonac indigeneity, subjects and owners of their territory and historicity rather than just as objects.

In the second chapter, “Indigenous Neoliberal Governance and the Trafficking of ‘Traditional’ Knowledge and Forms of Organization”, I look at these shifting forms of governance at the municipal level. Through distinct ethnographic vignettes I analyze the new rationales, discourses and practices of the municipal government and the resulting impact on contemporary discourses and practices of Totonaqueidad specifically, and indigeneity as a whole. My aim is to contribute to an understanding of the multiple and uneven ways by which the Mexican state operates and set the grounds for the emergence for particular neoliberal indigenous subjects. I maintain that racialized underpinnings, to hark back to the coloniality of power, infuse the reconfigurations of *usos y costumbres* in the neoliberal era, resonating with what Rose has termed “governing through community.”

The third chapter, “Making the Illegible Legible: *Usos y Costumbres*, Indigenous Rights and Justice,” unveils the multilayered processes of racial formation that consolidate through discourses of cultural rights as well as discourses and practices of *usos y costumbres*. I specifically focus on the ways in which the Indigenous Court

challenged hegemonic discourses, structures and racial sensibilities of non-indigenous authorities of the municipality. I argue in this chapter that at the local level, a global rights framework provided the Totonacs a language from which to disrupt local structures of dominance. Nevertheless, it was materialized in the Indigenous Court, an institution that provided the Totonac an important degree of state recognition that they wielded forcefully and in defense of their community, while paradoxically racially subjecting them.

The fourth chapter, “The Justice of *Tumin* and the Totonac Contemporary Practices of *Usos y Costumbres*,” looks at the effects of the Indigenous Court’s everyday discourses and practices of *usos y costumbres* in the lives of the Totonac people of Huehuetla. I situate the Indigenous Court and the indigenous authorities at this intersection of state power, global processes of neoliberalization, subaltern knowledge production and decolonial logics and practices of communality. It is from this place I argue that the Indigenous Court, as a symbolic and material field of force, inaugurate collective processes of self-recognition and reconstitution of Totonac knowledge and worldviews in their everyday judicial practice, from within the spaces carved up in the processes of multiculturalization and despite the on going hegemonic logics of Mestizaje.

Throughout this chapter, I use ethnographic narration to demonstrate how the Indigenous Court challenged and transformed the highly racialized relationships of power between state government and Totonac communities, but also within the communities, by creating a venue and a space that allowed Totonac men and women to recreate and re-imagine past practices according to contemporary needs.

The fifth chapter is the conclusion of this dissertation. I draw together the arguments woven throughout the earlier chapters to argue that the nascent non-state forms of power paradoxically emerge from within crevices of neoliberal governance. I conclude with a discussion of the new generation of Totonac, the new voices at the front of the indigenous struggle with the idea of understanding the ongoing friction and fissures within these processes.

With this dissertation, I intervene in the discussion of anti-indigenous racism in Mexico amidst the multicultural shift and the ever so pervasive logics of a bleaching mestizaje. The stakes for the Totonac of Huehuetla are high as their struggle has shifted the relations of power and has in a deeper way contested deeply entrenched colonial-racial hierarchies. The Indigenous Court through the languages of rights of *usos y costumbres*, and its everyday application, constructed a Totonac jurisprudence that expanded their social power within the communities, recreated the community according to contemporary needs and re-signified Totonac indigeneity. Those productions are vital for the ongoing reproduction of Totonac as a political subject, as peoples, and for their collective struggle, and speak to exciting newfound possibilities.

CHAPTER 1

THE MAKING OF DIFFERENTIATED SUBJECTS: THE HISTORICITY OF THE TOTONAC-LUWAN (MESTIZO) DICHOTOMY

Herendida, Mariel, and I waited in the humid courthouse while the elderly gathered in the courthouse for the collective interview I had planned over the course of my fieldwork. The elderly slowly arrived one by one, many with their light blue and white formal shirts and the traditional *calzón*¹⁴—long cotton breech. They stopped outside of the OIT's office that served as the Indigenous Court house for now to sit and talk for a little bit while they cooled off. Many of the elders, seventies and even eighties, were drenched in sweat after walking for hours through the steep and uneven hills of the highlands. Their hands, faces, and backs carried the marks of the multiple tasks implicated in a peasant's way of life: decades of hard work in the fields growing and harvesting corn, cutting and hauling wood, and clearing the corn fields to name a few. Finally, the elders sat in the chairs arranged in a half-circle looking towards the Indigenous Judge desk where the translators and I were situated and waiting for them to settle. The elders saluted each other in a reverent manner, gesturing toward the position each held within the traditional hierarchy then they waited solemnly as a call to gather is always a serious and formal matter. Of the fifteen elders that gathered that day, all understood Spanish well yet few

14 These loose fitting white cotton pants traditionally viewed by Totonac and Mestizo as a key marker of indigeneity and as a central characteristic that defines Totonac people.

spoke it. I knew language was going to be an issue, and therefore I had with me two dear friends who had worked with me as translators throughout my fieldwork. Their task, apart from formal translation, was to guide the elders through the open-ended questions I elaborated for the occasion. We explained the objective and the overall themes we wanted to explore: the meaning of “traditions and customs” for the Totonac elders given that it was such a salient language used within the confines of multicultural regimes. Further, an understanding of what those two loaded words meant was of extreme concern of the Totonac authorities in charge of the Indigenous Court. Yet, despite our efforts to direct the interview, the elders went back—over and over again—to what they viewed as the most serious matter: the expulsion of the Totonac by Mestizo (non-indigenous) settlers in the early twentieth century from the center of the township to the inhospitable peripheries where their cornfields were located, and the OIT’s role in challenging Mestizo domination during the 1990s. Both events are situated in two distinct and distant historical moments. Yet, both moments resonated with each other; both had as well similar effects: exile¹⁵. These moment of exile and its contestations continues to define the relationship between the Totonac and the Mestizos in the present day as it speaks not only of a physical exile from the center¹⁶, *el centro*, but of a cultural one.

15 ‘Exile,’ in Clifford Geertz’s words, “denotes a condition of enforced absence, with sustained expectation of returning *home* as soon as the conditions of expulsion can be corrected” (Clifford, 2007: 202). I refer to *home*, in this case, not only as a geographical site but a socio-cultural one that Totonac have to constantly fight to inhabit on their own terms.

16 *El centro* is the administrative, political and economic center of town. The municipal governments are the last pinnacles of the modern federal state system in Mexico. The spatial distribution however is reminiscent of colonial times as the central plaza is the defining structure, which articulates the rest of the space.

This chapter maps the multiple and vexing historical processes that inform today's understanding of indigeneity *and Totonaqueidad* in the municipality of Huehuetla. I draw from Marisol de la Cadena and Steve Stern's (2007) dynamic conceptualization of indigenous identity that challenges notions of indigeneity as a mere cultural construct detached from any other social realm and historical processes. Instead, these authors situate indigeneity within the larger structures of power and point to how these formations are part of an ongoing dialogical process between distinct subjects across time and space. This theoretical framework calls for a flexible, non-linear and processual way of historizing indigeneity (De la Cadena and Stern 2007).

Following such a framework, this chapter is not a linear historical approach to Totonac identity formation as evidence in the initial narrative, but rather an attempt to understand the distinct forces that intervened in the making of Totonaqueidad. I trace the historical context and conditions that led to Totonac struggle, which crystallized in the late nineteen eighties and set the pillars for today's struggle for indigenous rights in the region. Second, I attempt to capture the Totonac histories of struggle from their own historicity in order to understand the ways in which the Totonac construct/narrate their past in relation to presents needs (Hirsch and Stewart 2005). From this theoretical and political stance, I trace multiple oral histories and narrations of struggle that give meaning to Totonacs today (Gordon, Gurdíán and Hale 2003). I argue that for the Totonac of Huehuetla such historicity is articulated through the continuous remembrances and storytelling of racialized oppression and political struggle. I further argue that these narratives then challenge hegemonic racial sensibilities and ordering of indigeneity, first

by denaturalizing social hierarchies that situate indigenous peoples at the end of the social pyramid, and second by re-situating Totonac people as subjects and owners of their history rather than just objects. Today these oral histories and narratives transmitted generationally are woven into the fabric that weaves Totonac indigeneity. Framing Totonaqueidad within these theoretical and methodological perspectives helps underscore the distinct moments the Totonac have unsettled/ dislocated the local hegemonic order or have reproduced the coloniality of existing politics and power. More importantly, they highlight the many complex moments of tension betwixt and between the interstices of power.

This chapter joins the project of many Latin American scholars to decolonize History, with a capital H, by pointing to the coloniality of power and the role racial ideology plays in constructing it. De la Cadena (2008) argues, “only by transforming History—splitting it into histories—will state racism be challenged” (: 342). Unveiling the multiple and vexing histories not only challenges teleological and hegemonic narratives of modernity and development based on racialized hierarchies but it also makes visible a spectrum of silenced histories and other knowledges.

Throughout this chapter I privilege Totonac voices (Perez 1999; Smith 2005). Nonetheless, acknowledging that the “dialogical formation” (De la Cadena and Orin 2007) of indigenous subjects and their voices is a result of multiple actors, indigenous and non-indigenous, I also integrate Mestizo historical narratives of indigeneity, as they too are central in shaping these indigenous subjectivities.

The first section of this chapter maps historical delimitations and moments of expansion and contraction of what was once conceived as the Totonac territory. The objective is to understand the land tenure transformations and the important shift from Totonac collective land ownership, and the claim of territorial sovereignty, to a private property regime. I emphasize the way these forms of ownership impacted and transformed the political economy of the region and the forms of Totonac social organization.

The second section analyzes Totonac and Mestizo distinct historical narratives of Huehuetla. My aim is to understand the ideologies and sensibilities of present day ethno-racial categories in relationship to land occupation and regimes of land ownership. Through this analysis, I also intend to unfold the multilayered and dialectical processes by which Totonac indigeneity is constructed. The time line that I use foreground the events that the Totonac repeat in their own historical narratives: First, the exile of the Totonac from the center of town to the mountains where their croplands were located. Second, I investigate the Mestizos' appropriation of the government and resources (collective lands and buildings) at the beginning of the Mexican Revolution up until the Totonac municipal government in 1989. Lastly, I do a brief overview of the Totonac political organization and its nine years of municipal government.

The Totonacapan: The Totonac Spatial Distribution and the Socio-Political and Economic Genealogy of Indigeneity

Anthropologists have delimited the pre-Colombian Totonacapan—the area inhabited by the Totonac people—all the way from coastal northern and southern Veracruz to the west into the Sierra Madre Oriental in Puebla (Kelly and Palerm 1952). This territory has always been highly valued as it connects the Gulf coast with the central plains. Historically, this territory functioned as a road for cultural, political and economic exchange between coastal populations and central Mexico.

The Totonac are thought to have originated in the Highlands of Puebla (Masferrer, 2006) (Garma 2006), however many communities were forced to migrate to the coast of Veracruz as the Mexicas took hold of the highlands in order to control commercial routes and strategic military points. Those Totonac that stayed were subordinated to the Mexican Empire through a brutal tribute system.

During the era of Spanish colonization, the geographic limits of the Totonacapan contracted as inhabitants sought refuge from Spanish colonizers, and as epidemics brought by the Spanish swept/erased entire communities. During this process of colonization, the Totonacs settled in the highland regions where few Spanish villages were found due to its inhospitality. There were scarce conflicts over land during this period mainly because the Spanish found little value in the areas the Totonacs occupied. According to Mexican historian Bernardo García Martínez (1988) up until the 17th Century “there was practically not one piece of land in hands of the Spaniards” in the highlands (: 236). The Spaniards, however, deeply valued these regions not in terms of

their natural resources but in terms of their thickly populated lands, which provided abundant manual labor: the Spanish-Indian social relationships were organized around the extraction of labor.

In contrast to the lowlands and the coastal regions, the highlands did not develop a full-blown politics of “apportionment” (*repartimiento*); that is, the Spanish Crown’s appointment of a number of natives for the Spanish settlers to use so they could extract the riches of the new continent (Seed 2001). The region lacked the mining sites or the haciendas for which apportionments were useful. Instead, a system of free waged labor (*trabajo libre asalariado*) developed in the highlands positioning this region at the margins of the main colonial economic circuits. Such marginalization allowed for distinct indigenous peoples to maintain a relative level of autonomy.

At the end of the 17th-Century, the Spanish Crown eliminated a series of restrictions regarding residence within the Indian Republics and direct commercial transactions between Indians and Spanish settlers (Valderrama y Ramírez 1993). After these restrictions were lifted, settlers of European descent started arriving to the indigenous towns situated in the higher and cooler lands of the highlands. The nearby town of Cuetzalan was one of the first towns to receive European settlers. The higher altitude towns were the first non-indigenous enclaves.

Huehuetla, situated in the transitional region between the highlands and the lowlands of the coast, emerged as an independent town in 1702 after parting from the larger administrative district of Hueytlalpan, which it had belonged to since pre-colonial

times. Huehuetla remained an indigenous town until the beginning of the twentieth century when non-indigenous migrants started settling in the municipality.

The nineteenth century in the highlands is a transitory and thus conflict-ridden period characterized by indigenous rebellions. In 1821, Mexico achieved independence from Spain. In 1824, with the official declaration of the Mexican Constitution, the colonial juridical figure of the Indian was replaced with one articulated through the liberal concepts of equality and justice. Such reforms erased indigenous peoples and consequently threatened the livelihood of their lands and territories, as they no longer had the protection of the Spanish Empire. The independent government soon launched policies guided towards the privatization of land in order to integrate the rural regions within agrarian capitalism. Historians Guy P.C. Thomson and LeFrance (1999) encapsulates these processes as follows: “Between the later Bourbon period and the 1890s, Mexico’s towns and villages were subjected to a momentous sequence of reforms, as they exchanged their status as closed, corporate entities within an absolutist system, with the Catholic clergy playing a large part in their internal regulation, to becoming the administrative basis of a secularized and representative national system, composed of individual—ideally propertied—citizens” (:89). The response to these politics was widespread-armed uprisings throughout Mexico (Reina 1980; Thomson 1991; Mallon 1995). There are multiple examples within the highlands that illustrate the profound discontent the indigenous communities experienced towards this nineteenth-century liberal regime.

During the 18th and 19th centuries, local indigenous, Nahuatl and Totonac uprisings in the highlands of Puebla and northern Veracruz provide an overview of ongoing indigenous–mestizo social relations and particularly the racial sensibilities that led indigenous towns to organize against as well as seek alliances with the non-indigenous population¹⁷. In both situations, what is visible is the active role of indigenous peoples in the national and local political terrain.

In 1808 in Cuetzalan, Mestizos¹⁸ burned 24 hectares of corn harvested by the Nahuatl in the community lands in order to build a parish. The Nahuatl initiated a legal complaint that culminated in the Spanish authority physically removing the indigenous governor and the symbolic removal of the “bastón de mando”¹⁹ that traditionally legitimized an indigenous authority. The Cuetzaltecos lost their communal land to the Mestizos, and in 1887, almost eighty years after the first incident; they permanently lost political power over the municipality (Valderrama y Ramirez, 1993). Similarly, in the early 19th century in the Totonac region of Misantla, Veracruz, the high tributes demanded by Mestizo authorities led to a regional rebellion. In 1836 the high tributes and tensions between Totonac vanilla producers and Mestizo middle men that started in Papantla, Veracruz, was extend to the whole Totonac region, ushering in an array of abuses and offenses perpetrated by the colonial authorities and Mestizos (Masferrer Elio 1986).

17 These ongoing processes in the highlands were particularly vivid as the highlands of Puebla were a key site within these century’s wars particularly during the French intervention in the mid-1850’s.

18 Maybe look into what makes these population Mestizos in comparison to the category European descent, criollo, or Spanish?

19 Near translation would be a staff of authority

For most of the battles fought in the highlands of Puebla towards the middle of the century, in the context of the Mexican reform and the French intervention, the Nahuatl and Totonac were supported with provisions²⁰ from the National Guard in the form of armed/pacific resistance against the French. These communities had a better chance of maintaining control of their lands by supporting and negotiating with the distinct political factions disputing national power. Historian P.C. Thomson (1993) teases out the distinct processes ongoing in the highlands of Puebla to suggest that indigenous communities, depending on their geographical and political location and economic needs, made political alliances with the distinct groups in power.

Nahuatl communities mobilized multiple strategies of resistance in order to preserve their territory including armed resistance, commercial boycott, outright refusal to work for the Mestizo (or for the non-indigenous administration), and direct actions like bringing down the fences that the municipal administrations started to put up in order to delimit the Mestizo pasture zones. There were occasions however, that these contentious relationships between Mestizo and indigenous peoples have shifted at certain junctures, temporarily diluting historical conflicts and materializing instead into unlikely political alliances. The Mestizos joined the Nahuatl-based “Pala” Agustin movement against the Benito Juárez liberal government, which promulgated the decree of the *Ley de Desamortización de los Bienes Eclesiásticos* (Law to Disentail the Church’s Lands) and

20 They provided large quantities of “corn dough, chipotle peppers and panela (similar to molasses) without which the liberals in the highlands and beyond would have failed” (Thompson, P.C., 1993:239).

the *Ley Lerdo*²¹, which allowed people to claim the fractions of leased communal land as private property. The Mestizo, uncertain of who would benefit from the new land distribution, sought alliances with the Nahuatl in order to get leverage in case the Nahuatl became the main beneficiaries. The Nahuatl communities, in turn, accepted the alliance as they sought relief from the 2% taxation being charged when adjudicating land as private property under Ley Lerdo. The Nahuatl hoped to establish a fixed payment of two reales for every *almud*—a measurement of land—instead of a percentage (Thomson, P.C., 1995).

Despite the short-term benefits that the Nahuatl and Totonac of the region might have gained through this alliance, the long-term results were disastrous. In Guillermo Zermeños's words, “so it is, that with the liberal reforms and the process of land disentail, the indigenous peoples not only suffered land dispossession or in the case of the nomads peoples of the north their extermination, but also their inscription within the imaginary of backwardness, indigence and savagery”²². That said, the 19th-century rebellions and struggles did not dwindle down but continued into the 20th century. The beginning of the 20th century consolidated the land regime based on individual rights and private property, initiated by the liberal reforms, which translated into the slow disintegration of the Totonac territory in the highlands of Puebla and northern Veracruz.

21 This reorganization of land began with the 1856-1861 Reform laws “that in Puebla and elsewhere had resulted in the accumulation of land in fewer hands, not in the creation of small independent property owners as had been intended” (LaFrance, 1989:168-169).

22 The translation is mine: “Así, con las reformas liberales y el proceso de desamortización de tierras, los indígenas no solo sufrieron el despojo de sus tierras (el proceso de igualación supuso su proletarianización) o del atraso, la indigencia y la barbarie”. Zermeño, Sergio. 2004. “Manuel Gamio y la modernidad antropológica Mexicana”. In *Modernidades Coloniales*. Dube, Sarah, Ishita Dube, and Walter Mignolo, coord. Colegio de México City, Mexico: 93.

According to anthropologist William Smith (Smith 2004) based on information he gathered from local Huehuetlan, at the turn of the 19th century regimes of property changed drastically. Although there is no sufficient systematized historical information on the matter “population pressure had increased sufficiently to raise tensions between families and communities over land resources” (:72). Simultaneously, the long sought by state and federal authorities processes of land privatization started to take shape through *condueñazgos*²³. For anthropologists Ramón R. Melgarejo (Melgarejo 2002) it was in this transition in forms of land ownership that Totonac lost control over their territory and communal forms of organization.

In Huehuetla, the beginning of the 20th century marked the end of a relatively independent Totonac government and internal social ordering and the beginning of a Mestizo dominance that rapidly displaced the Totonac from their towns. The instability brought about by the Mexican Revolution was deeply felt throughout the region as it caused multiple waves of indigenous and non-indigenous migration through out the northeastern highlands of Puebla. This racially mixed migration reconfigured the make-up of the northern highlands of Puebla including Huehuetla. For the Totonac of Huehuetla this historical passage is deeply engraved in memory as the moment of exile from the center of their town to the peripheries to the steep hills that Totonac used to sow their cornfields.

23 The *condueñazgos* consisted of awarding lots to the local inhabitants as a first step towards privatization.

The Mestizos consolidated their power through the control of commerce instead of classic expropriation of lands; Huehuetla was no exception. The Huehuetlan Mestizos managed the muleteer routes to and from the coast, introducing and controlling the vast majority of commerce within the region. According to Mexican anthropologist Emilia Velazquez (Velazquez 1995), from 1920-1939 the Mestizos throughout the highlands controlled the most important centers of commerce: Huachinango, Zacatlán, and Teziutlán. In the Coastal zones of Veracruz they controlled the towns of Papántla, Gutiérrez Zamora, and Tuxpan (:85).

During the first decades of the twentieth century in conjunction with the privatization of land and the emergence of new markets, new forms of agriculture emerged displacing ‘traditional’ agricultural systems. With the introduction of roads in 1940s to connect the coast with the highlands, these new markets grew rapidly. As refined sugar emerged in the local markets, sugar cane cultivation declined. Coffee, a crop that would later replace the vast majority of cornfields, was cultivated on a small scale, for family consumption, with the exception of some large-scale coffee plantations developed in the communities adjacent to the roads that connected to the major cities (Velazquez, E., 1995). In addition to shifting traditional forms of agriculture, these changes in land use further displaced forms of socio-political organization intricately tied to the agricultural calendar.

In the early seventies, the Mexican Institute of Coffee (INMECAFE per the Spanish acronym) emerged as a government institution that promoted small-scale production and commercialization of coffee in rural regions throughout Mexico, in the

context of an expanding global coffee market. This state-sponsored program would radically change the political economy and social relations within the highlands by privileging small coffee producers, particularly in impoverished communities like Huehuetla²⁴ (Velazquez, E., 1995). The program's objective was to integrate rural and indigenous communities into the global markets and to the nation as "modern" subjects ruled by logics of the market.

This new coffee economy resulted in the largest displacement of traditional agriculture as it almost entirely replaced subsistence farming of crops like corn and plantation farming of cash crops like sugar cane (Smith, W., 2004). Furthermore, rapid development in cattle ranches in Huehuetla transformed the land use (*uso del suelo*). This shift would situate the Totonac in a complex relationship entirely dependent of the global market fluctuations.

Empezaron a organizarse cuando llegó el café que se le denomina caturra y también cuando aumentó el precio. La gente empezó a asociarse con las demás personas para sembrar una gran extensión, bueno, en esa época juntaron mucho café aunque casi nadie tenía una gran extensión, y también cuando llegó el licenciado Luis y el fue el que dijo que sembraran mas café y que tumbaran los árboles que habían porque le va a hacer daño a la planta de café, y que ya no sembraran maíz ni frijol porque no le ganan nada. Solo les sirve para el autoconsumo, porque el café les va a dejar mucho dinero y podrán tener casas grandes²⁵.

24 The program started buying only premium coffee exigency that most small-scale producers could not meet consequently indirectly promoting middle men who were the only ones with the resources to transport the coffee to the warehouses fast enough so it would not loose its premium quality. In light of this problem the state opened up warehouses throughout the highlands in order to eliminate Mestizo middlemen (Velazquez, E., 1995).

25 Interview with Joel Ramirez by anthropologists William Smith y Nicolás Elison in collaboration with Marcelo García Gómez and José García Gómez, Xonalpú, Huehuetla, 2001.

They started organizing when the coffee, the caturra variety, came (entered the region) and also when the market price went up. People started associating with each other in order to be able to grow large extensions although during that time there was large collection of coffee even though just a few had large extensions of land. They also started organizing when ‘licenciado’ Luis (engineer but often designated to state agents) came and said to grow more coffee and to knock down all the trees because they endangered the coffee plants. He said also not to grow corn or beans because they did not generate any money. These products are only useful for auto consumption and coffee was going to leave a lot of money so people can have big houses.

These major shifts profoundly altered the economic, social and political dynamics of the region and in particular of the Huehuetlan municipality. Anthropologist William Smith (2004) calls these multiple socio-historical and political economy relations “*the coffee complex*”: a state-led economy that entrenched Totonacs into dependent social, economic and political power structures. He points to how this “coffee developmentalism” transformed and shaped the social landscapes to the point that even today autonomous projects are imagined within the confines of clientelist and patriarchal state relations (Smith, 2004). In the following section I analyze the national project of Mestizaje as another component that articulates with the already on going processes of Totonac deterritorialization and marginalization.

The Cosmic Race and the Idle Race: State Post-Revolutionary Mestizaje and Indigenismo

I have briefly given a historical account of the political economy of the highlands region and the effects of the distinct state policies with respect land tenure. This section

describes the logics of the politics of Mestizaje and Indigenismo embedded within these historical processes.

Indigenismo as a state project emerged after the Mexican Revolution as the counterpart of the state's national project of Mestizaje, which revolved around the racial and cultural homogenization of the national populations. In Mexico Mestizaje was put to work after the revolution as a political project, yet it had been imagined since the 19th century in liberal intellectual circles. Beatriz Urías Horcasita (2007) traces the idea of a new man within the tropes of mestizaje back to the French Revolution. At the center of this project was the figure of the Mestizo, thought of as the racial mix between Spaniards and Indigenous peoples, who would undertake the revolutionary change²⁶. As a project conceived from the top by non-indigenous intellectuals (see Knight 1990, and Urías 2007), the idea of sponsoring an already ongoing process of miscegenation had distinct meanings. For example in the late 19th century Justo Sierra, an intellectual figure of the Diaz regime, framed mestizaje in relationship to U.S. imperialism. His conception emphasized and exalted Euro-descent, thus indigeneity did not figure prominently within his ideal of a modern nation (Gantús 2004, Knight 1994). The Porfirio Díaz dictatorship established politics that promoted the migration of Europeans to distinct parts of the country in order to whiten the population.

Mestizaje before the Mexican Revolution exuded multiple understandings of ongoing social processes of miscegenation that intersected at distinct moments and which

²⁶ Other intellectuals of the time nonetheless did not welcome mestizaje and perceived it as a degeneration of the race (Stern 2007).

was greatly influenced by emerging scientific racial theories. However, in the context of the post-revolution, Mestizaje acquired a different meaning as it no longer referred to a cumulus of ideas and desires and became a political project that was based on the delimitation of an “other.” Thus in its making of boundaries, it excluded in a particular way the indigenous “others” as well as other sectors of the population, like the Chinese, Jews and Gypsies immigrants (Stern 2007; Renique 2007). The 1910 Mexican Revolution brought about massive displacements, violent encounters and fragmented communities throughout the country. It left the country in pieces. Therefore, the post-revolutionary state centered its efforts in calming massive sectors of society through a politics of integration and homogenization. Further, it sought to create a national narrative that distanced itself from other ill-perceived revolutionary projects like socialism and communism. Through its political counterpart, Indigenismo, it created a discursive and material base to delegitimize rural elites who refused integrationist politics that threatened their power (Knight 1990:83) (Graham, Skidmore et al. 1990).

José Vasconcelo’s *Cosmic Race* encapsulates the post-revolutionary national sentiment of mestizaje. He believed that Iberic-America (Iberoamerica) contained the subjects that could be combined created a nearly perfect fifth race: “the new man.” The mixture would include the well-established Spanish population, thought of as the racial baseline, and the indigenous peoples whose noble and spiritual character complemented the former. The Indian was considered a great bridge towards Mestizaje but not its

foundation: “El indio es buen puente de mestizaje.”²⁷ A better race would emerge from such mixture and indigenous vices and deviances would eventually dilute.

Indigenismo materialized in the 1940’s with the opening of the Indigenist National Institute (Jung, Díaz-Polanco, Freidlander). The central task of this project was to integrate the indigenous peoples to the emergent post revolutionary nation-state (Knight, 1990). Mexican anthropologist Emiko Saldivar (2003) argues that Indigenismo “is part of the racial ideology of Mestizaje, the language of contention through which “the state” justifies its hegemonic presence by identifying itself as Mestizo and defining the “other” as the object of its intervention” (:17). Indigenous was defined by what Mestizo and Mestizaje claimed not to be.

The INI opened up coordinating centers throughout the indigenous regions and worked as developing agencies (Jung, 2008). The central area of state intervention, focused in education and health, was that the non-modern features that hindered indigenous communities could be modified through a good civic education. In terms of health, the grand preoccupation was the issue of hygiene, which could as well be tackled through state intervention. Another central area of action was public health and sanitation. This perspective challenged old assumptions of biological racism that assumed the Indigenous were a backward and weak social group, with characteristics that were genetically and biologically transmitted. Yet, as Knight (1990) points out, post-revolutionary Indigenists articulated Indigeneity as a set of characteristics resulting from historical and environmental processes, yet, by attributing to Indigenous peoples a set of

27 In <http://www.filosofia.org/aut/001/razacos.htm> viewed on December 2011.

specific characteristics, the effect was the same as biological racism. Although the post-revolutionary nation-state sought to create a new, more progressive ideological and political framework from which to integrate indigenous peoples, in many cases, these were imbued with pre- and post-revolutionary racial ideologies, especially with eugenics.

Indigenism played an important role in the consolidation of the post-revolutionary nation-state as it established the mechanisms “through which the single-party state could control indigenous people’s lands, labor, and civic relations, making them increasingly dependent on and beholden to the state and the commercial interest outside their regions” (Taylor A. 2009:4). Taylor’s articulations (2009), as well as those of De la Peña (2005), highlight the importance of capitalism and labor relations within the state politics of Indigenism.

Indigenism as a state project had very distinct stages that changed according to the political and economic context and the need for the state to maintain control and presence within the indigenous regions. Anthropologist Emiko Saldivar extensively documents the four stages of Indigenismo: Official Indigenismo, Participatory Indigenismo, Ethno-development, and Legal Indigenismo (Saldivar 2002).

Official Indigenismo (1948-1976) politics centered on the integration paradigm envisioned as a collaborative work between the state and anthropologists. Anthropological knowledge was a principal tool used to help incorporate the indigenous peoples into the nation. This was done through a national education project and acculturation theories that would eventually discipline Indians to a Mestizo way of life. Incorporation implied also the important task of opening and modernizing the Indigenous

regions, as they were conceptualized as regions isolated and disarticulated from the nation or, in Mexican anthropologist Gonzalo Aguirre Beltrán words, *Regiones de Refugio* (Beltran, A., 1967).

Participatory Indigenismo (1976-1982) was informed by a 1970s populist regime where politics aimed to distribute government welfare programs. During this period, the INI reorganized its administrative structure. It took charge of articulating distinct institutional programs, like those of the Ministry of Education, Agriculture, etc., in the indigenous regions as well as channeling the state's welfare programs. This positioned the INI as directly linked to the interests of the particular group in power: "the INI lost its semi-autonomous status and became an operational arm of the state's social policies ... consequently new sets of working practices were implemented. Among the many changes were the replacement of anthropologists in high-level positions [that came and went with the distinct regimes] by career politicians and other professionals..." (Saldivar 2003:87).

During the period of *Indigenismo de Participación*, the relationship between the state and anthropologists grew contentious, as the new generation of anthropologists did not share the same perspective regarding assimilation policies. In this political context, critical anthropological knowledge produced outside direct state sponsorship became a tool for social change and a significant influence on the INI. Consequently, the INI redefined its relationship with the Indigenous communities by acknowledging them as agents, yet in practice INI workers reproduced paternalistic relationships with the Indigenous communities.

Important within these years are also the multiple social movements and struggles for independence ongoing throughout the world. In Mexico, the student movement and struggles canalized and articulated new languages of struggle that questioned the integrationist state policies and ideologies. A new generation of anthropologists as well critiqued this project (De la Peña 2005)

Ethno-development emerged in the 1980s and was defined first by the critical knowledge produced by anthropologists critical of the state and its Indigenist policies, and second, by the withdrawal of the state welfare policies in the context of the 1980's crisis. Mexican anthropologist Guillermo Bonfil Batalla was one of the main representatives within this current. Intellectuals that adhered to this particular vein of Indigenism were concerned with the imposed economic hegemony that had impoverished and homogenized the communities. This process is what Bonfil Batalla referred to as ethnocide, and thus he promoted instead a new INI that was to implement programs that would ensure the self-determination of Indigenous communities (Bonfil Batalla 1982).

The Legal Indigenismo stage is defined by its articulation with neoliberal legal regimes. The state policies are centered on the politics of self-management and cooperation. In this stage, the shifting role of the neoliberal state is evident as it withdraws from its welfare functions and the sponsoring of self-sufficient communities. The language of rights and responsibilities is central in this state formation.

At this stage, Indigenismo was intimately linked to World Bank and IMF languages and projects. This was particularly salient for the Salinas administration, which promoted the participation of NGOs and organizations in the execution of Indigenist

policies. Their objective was to create a political platform that would legitimize its politics surrounding Indigenismo through the language of democracy. This allowed for two political moves: on the one hand, Salinas removed intermediaries between the federal government and the indigenous municipalities by removing old *cacicazgos*, and promoted the participation of NGOs and other solidarity groups in the execution of policies. His populist approach was a strategic move to legitimate his government and the highly unpopular implementation of his government's neoliberal policies. Indigenismo, and historically distinct formulations, is an important technology of power that informs today's Indigenous subjectivity and political identity.

The relationship of *mestizaje* and *indigenismo* are of mutual dependence and speak too much more than a state racial project. That is, although currently shaped by critical, postcolonial sensibilities, an earlier history shapes the circulations and new assemblage of *Mestizaje* (Young1995). In this respect, Ana Alonso maintains the ethno-racialized subjectivities of Latin American elites cannot simply be reduced to “European” or even “white.” Elites in Mexico have traced descent not only from Europeans but also from *Indigenes*. Even the *criollos*, the colony-born descendants of the Spanish who occupied the second rung of the colonial ethno-racial system of stratification, were distinguished from the European Spaniards (*peninsulares*) by geographic racism. Numerous Latin American intellectuals (who have viewed their societies as postcolonial for nearly two centuries) have addressed the paradoxical location of *criollos*, who are subject to European and U.S. racism, on the one hand, and are racist toward those of

African and indigenous descent, on the other hand, and the even more ambivalent location of mestizos and mulattos (Alonso A. 2002).

Following the Revolution of 1910-1920, intellectuals imposed a new teleology. It located the beginnings of Mexican history firmly in the Aztec past, rather than the Spanish Conquest, and made the revolution of 1910–20 (and not the Reform and Porfiriato) the harbinger of Mexico’s “second independence.” Moreover, they critiqued the social Darwinism that had explained historical process during the Porfiriato (1876–1911), arguing that Mendel’s or Lamarck’s philosophies of biology provided better frameworks for making sense of the Mexican past (Alonso A. 2004). This myth of Mestizaje, as De La Peña (2005) describes it, promoted the idea of *la nacion mestiza* (the Mestizo nation) and *la raza cosmica* (the cosmic race) as key words for the understanding of the meaning of “Mexicanness”. And for many scholars, Mestizaje was defined not only in racial, but mostly in cultural terms, thanks to the influence of José Vasconcelos, and Manuel Gamio, the anthropologist who devised the official policy known as Indigenismo (Indigenism) (Brading 1984: ch. 3). Indigenismo from this perspective created the basis by which Mestizaje would solidify, that is, its relational “other”. Mestizaje existed only in relation to what it no longer was: Indian²⁸. Mestizaje set the grounds for an even further racialization as its meanings are constructed in a tight relationship to notion of origins in order to appeal to an idealized ‘mixture’: “Mestizaje actively reconstitutes the racial origins that seem to vanish in its teleological progress (Wade 2004:861).

28 This entrenched dichotomy functioned as well in relation to what was silenced and erased, Africans, Jews, Chinese and Gypsies (Stern, A., 2003).

These histories of Mestizaje and Indigenismo with their multiple genealogies are important and telling in that the logics of coloniality are perceptible in the divergent forms in which social distinction are always reproduced in relation to racial and gendered hierarchical scales that later sipped into multicultural legal frameworks. This following section maps the experiences and understanding the Totonac and the Mestizo have of these histories of displacement and erasure that characterized *Mexico profundo*.

The Historical Making of Differentiated/Political Subjects: The Emergence of the Totonac-Luwan (Mestizo) Dichotomy

This section maps the ideologies and sensibilities of present day ethno-racial categories of the highlands of Puebla. By capturing the historical narratives and collective memories of the Huehuetla I intend to map the multilayered and dialectical process by which Totonac indigeneity is construed by privileging the Totonac experience without erasing the Mestizo collective narratives.

“Cuando Llegaron los Españoles” (When the Spanish Arrived) and Other Narratives of the Totonac Exile

The elders of the Huehuetla vividly narrate the early twentieth century histories of displacement as told to them by their parents. Today’s spatial arrangement of Huehuetla can be traced back to the beginning of the 20th-Century when the Mestizo settlers

displaced the Totonac from the center and forced them to move their agricultural plots to the mountains:

Me contaban mis papas que los Luwanes eran muy malos, no respetaban a los indígenas por su manera de vestir y que por eso salieron de ahí del centro...(aproximadamente) noventa años más o menos...No simplemente salieron de allá y dejaron allá. Que entraban los luwanes a las casas y les quitaban sus hijos.” (Juan José, Xonalpú, June 2008)

My parents narrated (contaban) that the Luwanes were very bad, they did not respect indigenous peoples because of their way of dressing and that that is why they left the center of town. This was around ninety years ago more or less. My parents did not sell their property or anything they just took off because Luwanes would enter the homes and take their kids.” (Juan José, Xonalpú, June 2008)

This Totonac narrative of violence, exploitation, displacement and colonization, inherent in the initial relationship with the Mestizo, marks the root of Mestizo-Totonac social relations to date. Their relationship thereafter was established through violence and exploitation of the Totonac work force. Oral histories/memories of dispossession and indignation are common among the elder Totonac. They narrate stories that their parents told them with respect to the Luwanes and their relationship. These narratives embody what for them is a Mestizo, a Luwan in Totonac, which translates into Spanish to those who speak like vipers (*víbora*), that is, those who spew venom about others and thus cannot be trust worthy.

Tata Valero experienced this process of dispossession as the beginning of a long social decay and equates the Mestizo colonizers with Spanish Conquerors:

Cuando paso el tiempo la gente empezaron a destruirse porque llegaron los españoles y que en Ixtepec vieron como quemaron la casas porque antes las casa

eran de palma. Se vinieron para acá los españoles y igual quemaron las casa en Huehuetla en 1917. (Tata Valero interview 2008)

As time went by people started to decay because of the arrival of the Spanish. In Ixtepec they burnt the peoples huts because before the houses were made of palm leaf. Then the Spanish came here to Huehuetla in 1917 and burnt the houses as well. (Tata Valero interview 2008)

This passage refers to one of the few confrontations to take place in the immediate surroundings between the Villistas and Carrancistas. In 1917, there were a few major armed confrontations between these forces. One of these took place in Ixtepec, referred to by Tata Valero in the previous passage, where the Villista forces burned the Municipal Palace of Ixtepec situated at a higher altitude and later these forces arrived in Huehuetla. Other than these few-armed confrontations, the highlands did not play a central role in the Mexican Revolution. However, the effects of the Revolution were strongly felt in the indigenous municipalities.

The indigenous lost their land and political power to the Mestizos who were migrating to the municipalities primarily inhabited by Totonacs and Nahuatl peoples. These indigenous communities suffered extensive economic burdens because of the obligatory taxes and contributions enforced by the distinct revolutionary fractions. For example, in the nearby community of Tetelilla taxes and contributions added up to 500 pesos daily and six to eight boxes (huacales) of tortillas (Ruíz Lombardo 1991:61).

In a study of coffee production in Ecatlán, a nearby Totonac community, Ruiz Lombardo (Ruiz Lombardo 1991) points to how the region was shaped by the power struggle between Carrancistas y Villistas. These battles were overseen by General Barrios

a Nahuatl from Tetela de Ocampo, a nearby community, who had fought in the battles against the French invasion 30 years prior. General Barrios situated trusted combatants of Mestizo origin throughout the highlands, who he authorized to take over lands. Despite the fact that Totonac were not directly engaged in the revolutionary efforts, the effects of the Mexican Revolution on their lands and daily lives due to the violent displacement and dispossession of hundreds of communities proved devastating.

The Totonac and Mestizo elders²⁹ recall that at the beginning of the century Huehuetla was known as the “Slaughter House”. Daily battles erupted among armed groups that had migrated to Huehuetla or between regional bandits that moved through the region in the unstable context of the Mexican Revolution. As one of the eldest Mestizo inhabitants of Huehuetla Don Salomon explained: “they were killing each other, between Carrancistas and Villistas. There were daily deaths that is why we were know as the slaughterhouse”³⁰. The slaughterhouse signified the corpses of Mexico’s Revolution and was also a metaphor for the degrading Mestizo politics of labor and race exercised over the Totonac people and the their exile or banishment to their plots. Much of the local population aligned themselves with national revolutionary movements, particularly in the higher region of the highlands. Their aim was to gain some power leverage around local issues, and not necessarily to align their populations ideologically or nationally with the revolution *per se* (Brewster, 1999).

29 Interviews with Tata Valero, Don Gerardo Juárez, and the Municipal Judge.

30 Interestingly during our conversation/interview that extended to a couple of hours Don Salomon talked about the history of Huehuetla and the arrival of the Mestizos to the municipality, the conflict between Villistas and Zapatistas yet, he erased the Totonac villagers from the narration.

The legitimacy of these new geographical arrangements was possible largely because of the state politics of Mestizaje. In many occasions, the state prompted the migration of Mestizos based on the idea of bettering the race through whitening of the indigenous rural populations³¹.

When the Mestizo arrived at the beginning of the 20th century and took over Huehuetla, they used the *faena* as a way to acquire free labor from the indigenous communities following colonial logics of labor exploitation. This long-standing form of organization, consisting of individual service given to the community, became at that time and obligation to the service of the settlers. The Mestizo avoided this practice by paying a laborer to do it for them or just disregarded the law by qualifying it as an indigenous practice. For the Totonac the problem was not the actual practice of this community service, given that it was a current collective form of organization and one that had previously provided the labor force to construct many of the buildings in the center of town. The problem was that the work they were set to do benefited only the Mestizo. Schools, roads, renovation of the government building, clinics and the like were built with the labor of the Totonacs. Consequently, if any of the Totonac did not show up to work they had to pay a fine.

Tenían un registro de a quien le tocaba y quienes no participaban y quien no participaba lo iban a traer y lo multaban, cuando era barato 25 pesos o 50 pesos. Casi siempre iban porque les daba miedo que les cobraran y si a la fuerza íbamos a la faena (Juan José, Xonalpu, Huehuetla, 2008)

31 The nation-state solidified after centuries of war through the discourse and ideological programme of mestizaje which privileged the Mestizo population displacing politically, economically and socially the Totonac and indigenous for that matter.

They (the Mestizo) had a registration sheet of whose turn was to serve. They would go get whoever did not participate to fine him. The fine when it was cheap was 25 to 50. Most of the time they went because they were afraid to be charged and yes we went by force to the *faena*. (Juan José, Xonalpu, Huehuetla, 2008)

The Totonac communities, despite their exile and forced labor, when the possibilities arose to voice their demands they did it. There are several oral histories that refer to these moments; one story that is widely remembered by the local Mestizos occurred in the 1940s in response to a tax increase in the communities (monetary collaboration destined for municipal activities) and forced *faena* work. Huehuetlans, Totonac and Mestizo, remember how dozens of Totonac men gathered in front of the municipal building with machetes, a group of Totonac men entered the building and walked to the second floor, scuffled and attempted to throw the Municipal president through the window. The president was later removed from his post.

Cuenta la historia que en los años 30-40's eran donativos forzosos, eran donativos para hacer caminos, escuelas pero se llegaron a quitar por ahí del '46 porque se rebelaron los Totonacas que dijeron ya no podemos dar más donativos y dejaron de dar donativos pero eso era parejo o sea los totonacas y los del centro tenían que dar parejo...incluso en 52-54 el presidente volvió a restaurar lo de los donativos y los Totonacas los sacaron al presidente por el balcón de la presidencia, se vinieron a amotinar aquí...llegaron como 500 gentes y dijeron ya no damos donativos, ya no damos *faena*, y en ese tiempo estaba una banda de música por el cual que había que dar donativo y tampoco quisieron y en ese tiempo se estaba inaugurando el servicio de la avionetas y entonces el campo no estaba en condiciones entonces tuvieron que ampliarlo en base a faenas comunitarias y los totonacos dijeron ya no más faenas en el campo, los que ocupan la avioneta son los *luwanes* (refers to Mestizos in the Totonac language) y si quieren trabajo que paguen...

The story tells that in the thirties and forties people were obliged to give donations to the municipality. They were donations to construct roads, schools but they were removed around 1946 because the Totonac communities rebelled. They said they could no longer give donations so they stopped giving donations but that was something we gave even, that is, the Totonacs and the people from the center had

to contribute evenly. In fact, in 1952-1954, the president at the time reinstated obligatory donations and the Totonacs forced him out of office through the balcony of the presidential building. They gathered here in the center, around 500 people and they said *we are no longer giving donations and we are no longer doing faena*. At that time, there was a music band for which donations had to be given and they as well did not want to give anything. Around that time as well, the light flight service was being inaugurated and the runway was not in condition so they had to widen/ broaden/open it through community faenas. The Totonac said we are not doing anymore *faenas* for the runway, the ones that utilize that service are the *luwanes* and if they want work done on the runway then they will have to pay ... (Interview with the secretary of the Municipal Court, 2008)

This narrative comes from a powerful Mestizo authority. From his perspective in this narrative, Mestizos and Totonac fulfilled evenly the *faena* duties. Yet, the narrative itself speaks of the big burden these taxations and *faena* work loads brought upon the Totonac community. *Faena* became a synonym/marker for Totonac indigeneity; Totonac experienced racial differentiation, subordination and exploitation through these “traditional” forms of organization. Thus, it is not surprising that Don Manuel Aquino, a prominent moral figure of the Totonac community and the traditionally elected (through communal assembly) Indigenous Judge, described that what makes a person Totonac is his/her hard work. That is, his/her labor. He identified a Totonac person as one that is “capable of working all the day on the field, under the sun”. Dark and rough skin signifies their toiling under the sun. This designation of Totonaqueidad speaks to how difference has been and continues to be constructed in Huehuetla in relation to the Mestizos who in turn are defined for their fairness of skin color and their softness of skin.

The *faena* thought of as a traditional form of organization is central in the discourse of indigenous people; it is imagined and articulated as a democratic form of organization and collective belonging. Roseman (1996) points to how the hailing of these

memories work to “construct historical narratives that confirm their own agency and the meaning of local-level participation” (cited in Govers 2006:142). I do not intend to affirm or deny Totonac traditional practices, but rather to critically assess how “tradition”, as a discourse and practice, signals a form of belonging. In a focus group interview that I conducted with the Totonac Council of Elders (*consejo de ancianos*) in the summer of 2008, they narrated how “before” (*antes de*) the Mestizo arrived to the municipality the Totonac people were harmonious and practiced *servicio* allowing them to construct/build the center of town that today houses the municipal government:

Antes teníamos un gobierno comunitario en donde participaban todas las comunidades. Todos los hombres en particular los ancianos fueron responsables de hacer la presidencia municipal además de que todas las comunidades cooperaron para comprar la teja y los distintos materiales que se requirieron para la construcción del edificio municipal. En ese tiempo todo el pueblo se daba para dar faena pues era un bien de nuestro gobierno. (Consejo de Ancianos, entrevista colectiva, traducción Hilaria y Miguel, 2008)

Before we had a communal government where all the communities participated. All the men, in particular the elderly, were responsible for building the municipal building besides the fact that all members of the communities cooperated to buy the bricks for the roof and the distinct materials that were needed for the construction of the building. During that time everybody would give themselves to the faena works because it was a good thing for our government. (Consejo de Ancianos, collective interview, translation Hilaria and Miguel, 2008)

Although it has been argued and amply demonstrated that colonial administrators used the *faena* and similar collective forms of organization as labor extraction through out the indigenous regions and territories (Gibson 1987), the Indian Republics used these forms of organization as a means of distributing resources in a more equitable way and also as means of reinforcing social communal ties.

The post-Revolution period of national consolidation introduced important policy changes towards the indigenous regions. In fact, it was during these post-revolutionary years that indigenous peoples became a political subject and existed as such. The politics of land reform during the Lázaro Cardenas regime clearly delineated the logic of mestizaje, put in place by the state. Cardenas set about implementing the Mexican revolution ideals of land distribution, however, he did so in a manner that erased and disarticulated the relative autonomy indigenous peasants held over their territory by integrating them into the nation as peasants. As political scientist Courtney Jung (Jung 2006) rightly points out, Cardenas' post-revolutionary government "resisted devolving power to traditional leaders and communities and was careful to allocate land in form of (peasant) *ejidos* rather than (indigenous) *comunidades*" (:91). As I previously mentioned, integrationist indigenismo premises sought to help transition from the traditional indigenous communities to modern capitalist subjects.

Yet, a significant part of Huehuetlas history tells a different story from the usual historization of indigenous struggles. Unlike other indigenous regions the Totonac of Huehuetla did not directly participate in the distinct 20th century struggles for land mainly because of the land tenure regime. Further the state intervention in the region during the 70s through the coffee industry played an important role in the distinct historization of the Totonac indigenous struggles. This is important to consider in light of their indigenous experience.

I began this chapter describing a meeting with the Totonac council of elders and the ongoing struggle to keep them from reverting back to their experiences during the

OIT and the nine years the Totonac organization was able to maintain the municipal government. The next section provides a brief overview of the Totonac organization's origins and the Totonac lived experiences and memories of these events.

The Making of the Totonac Political Subject and its Historical Grounding

The Totonac Independent Organization (OIT) officially emerged July 22, 1988 in the highly contentious environment comprised of Mestizo land and political bosses and the Totonac communities. The OIT launched its organizational life as a Triple S: Society in Social Solidarity³², in order to counteract the “coyotes” coffee market that had exploited the Totonacs for decades. Thus, this process grew out of a longer history of organization initiated in the seventies by the Luís Echeverría regime in light of the highly inflammatory peasant struggle for land as part of the nascent indigenous movement. It is in this context that the state intervention took place to promote multiple programs in the productive front as well as within the indigenista program. Armando Bartra estimates that this forceful intervention resulted in a third of the peasantry becoming dependent on the state (Bartra A., 1985 cited in Maldonado, 2000: 103).

Many authors have argued that the organizational skills and contestatory language in the struggle for land was a crucial platform for later indigenous movement. In many regions of Mexico that was the case, yet in Huehuetla and the lower parts of the

³² The Triple SSS figure emerged with the administration of Luís Echeverría Álvarez with the objective of providing collective associations a juridical figure that allows them to collect state funds as well as commercialize their products as long as they destine some of the revenues to a solidarity social fund.

highlands of Puebla the struggle for land did not exist as land tenure had long been privatized. The platform of organization for these communities revolved around agricultural production, commercialization and the struggle for basic infrastructure (schools, clinics, roads, electricity, etc.). Political mobilization and formation emerged within state institutions: the Mexican Institute of Coffee (INMECAFE), the National Institute for Adult Education (INEA), National Indigenist Institute (INI), among many others. At the same time, the local priests influenced by liberation theology provided spaces for reflection and the development of the language of struggle for what later would become their political platform. Both, the state and the church provided important spaces for organization and particularly, for the formation of indigenous leaders.

The Totonac of Huehuetla remember when father Juan Ramírez started working with the communities in the mid-sixties to provide important spaces of organization:

Cuando vino el padre Juan, no había nada, ni Juez de Paz ni nada, nada, no había autoridades, nada, pero el formó los catequistas, y bueno ya en ese entonces se reunieron todos, a todos los que más o menos tenían y a los que no también y entonces acordaron que necesitaban un terreno para la escuela y para la iglesia. Entonces dijeron los dos señores que tenían, bueno si tu das lo de la escuela, yo doy lo de la iglesia, es lo que dijeron y lo donaron. Pero la cosa está que no había autoridades, entonces él formó las autoridades, lo que es el juez de paz, según lo que dijo el padre que fue lo primero que tuviera, una autoridad, ya después se hizo la escuela, la iglesia, y pusieron una cancha deportiva, de basketball, y entonces cuando venía a celebrar la misa jugaban los señores con el padre. Dicen que cuando jugaban, más atraía la gente y más venían cuando celebraban la misa (...) ³³.

When father Juan came, there was nothing, no Judge of the Peace or anything. There were no authorities, nothing, but he formed catequista and well then in that time everybody gathered, the people that had more or less (money) and also the people who didn't then they agreed that they needed a lot for the school and for the church. And then the two men that had (money) said to each other if you give the

³³ Interview by Dr. Nicolas Elison of Lourdes Lanas, Lipuntahuaca, 16 de mayo 2001

school I will give the church (the lots), that is what they said. So they donated. But the thing was that there were no authorities, so then he (the priest) formed the authorities, the Judge of the Peace according to what the father said. Then altered the school and the church and then they put a playground (basketball court) so when the priest came to celebrate mass the men would play with the priest. It is said that when they would play people would be attracted and more people would attend mass.

Furthermore, as Don Mateo Sanchez narrates, the father was responsible for providing education for many Totonacs whom he took to the city of Puebla to study so they could return to their communities and work:

En el caso de la educación, anteriormente cuando estuvo el padre Juan Ramírez, que eso fue por 60, 61 por ahí así, el padre Juan quizá más atrás del 60, llevaron jóvenes a Puebla a estudiar, gente indígena, llevó jóvenes de todas las comunidades, pues esos jóvenes para que el día de mañana vengán a atender a su pueblo, a su gente...³⁴

In relation to education, previously when Juan Ramirez the priest was here, and that was around 1969-1961, somewhere around there, perhaps before the 60's. The priest Juan took the youth to study, indigenous peoples, he took young adults from all the communities, so those later come to serve all the communities, their people.

The church's involvement in the municipality coincided with the spread of liberation theology across Latin America. Is in this larger context that the Christian Based Communities (comunidades eclesiales de base, CEB's) initiated its work of reflection and organization in Huehuetla with the support of Father Juan Ramírez. Because the other priests did not ascribe to these processes, this theological paradigm remained underground almost in a *rhyzomatic* manner until father Salvador Baez was sent to Huehuetla in the early eighties.

³⁴ Interview with Don Matías Moron and Raymundo Reyna, 2000.

(...) ahora sí que gracias a una persona intelectual una persona que no es de acá, que vino a orientarnos de cómo teníamos que organizarnos para no seguir con estos atropellos, un sacerdote, Salvador Báez. Fue el sacerdote de la organización, entonces nos empezó a orientar, empezó a tomar a gentes de las comunidades, los que más sobresalían o los que estaban al frente de la comunidad y los empezó a orientar.

(...) now it was thanks to an intellectual person that is not from here, that came to guide us on how to organize in order to not be exploited, a priest, Salvador Baez. He was the priest of the organization. He guided us. He took under his wing people from the communities that stood out or the ones in charge of the communities and he started guiding them.³⁵

However, these actions sewed the seeds of what would later become the OIT. Moreover, even though the Totonacs do not identify Father Ramírez with the beginnings of their political organization, they do situate him within the people that help them “despertar”—wake up. Father Salvador Baéz formally initiated a platform of organization within the liberation theology framework. Many young Totonac spent many evenings and nights studying and workshopping their people’s economic, political and social situations and ways to organize for a better future. Father Báez speaks of the process of organization and the way it was thought of:

Este es un proceso que iniciamos desde la fe, como pastores junto con el pueblo, tratando de recuperar su forma tradicional de relación con Dios, con la Naturaleza y con sus hermanos. A partir de estos tres principios—Dios-Naturaleza-Hermanos—se ha intentado recrear en el pueblo un espíritu nuevo que nazca de lo totonaco, de su cultura, y ahí, como dicen los estatutos de la Organización, queremos un orden nuevo en lo económico, en lo social y en lo político

35 Interview with Don Javier Hernández, Lipuntahuaca, Huehuetla 2000

This is process that we initiated from faith, like pastors that we are next to the people, trying to recuperate their traditional relationship with God, with Nature and with their Brothers. Starting from these three principles—God-Nature-Brotherhood—the attempt is to recreate in the Totonac people a new spirit that is born of the Totonac, from their culture, like the organizations (the OIT) written statutes. We want a new economic, social and political order.³⁶

The state also played an important if unintended role in the formation of leaders that would become central in the struggle for indigenous rights. Many of these leaders were formed in institutions like the INEA, INMECAFE, and INI as these institutions prepared promoters (promotores) who under the umbrella of “indigenismo de participación” were in charge of starting state programs in the communities. For example, as bilingual education was expanded and promoted (promovida) by the state within its indigenist program, Totonac found the programs in of itself to be a detonator of organization. Do Matías Moron a community leader, remembers those days:

(...) llegamos a la escuela de Leakgaman y la gente ahí, me empezaron a platicar ahí se rodearon a sentarse ahí en la escuela y dicen “oiga usted que está como presidente de padres de familia, usted qué piensa, nosotros estamos platicando a que pues cambiemos el sistema de la educación, metamos como maestro bilingüe” y les digo yo pues bueno yo, yo si estoy de acuerdo pues nada más lo que quiero yo es que, que hablen los que tienen hijos aquí y los que van a tener para el próximo curso que viene, levantamos firmas, levantamos acta, firman ustedes y firmamos nosotros como presidentes de padres de familia, yo me encargo de llevar a la Secretaría de Educación Pública quién quita y sí si se puede (...). (Interview with Don Matías Moron and Raymundo Reyna, 2000)

(...) we arrived at the school of Leakgaman and the people there started talking to me, they gathered and surrounded me and said: “sir, since you are the president of the parents school committee, what do you think, we are talking about changing the school system, lets put in bilingual teachers”. And so, I say that I agree but

36 Báez, S., interview in México Indígena, num. 24, 1991.

let's hear the parents here and next year future parents. We gathered signatures and wrote an agreement (acta de acuerdo), and I sign as the president of the parents committee. I will make sure to take it to the Secretary of Education who knows and maybe we can do it (...) (Interview with Don Matías Moron and Raymundo Reyna, 2000)

Many of these leaders of the seventies became key figures during the OIT emergence in the late eighties. Their experience during the seventies and later in the eighties with the Theology of Liberation priests that arrived to the highlands would situate them as the perfect brokers with the state, party organization, and other indigenous organizations as they were well versed and knowledgeable in the state language.

The Emergence of the OIT and the Politics of Totonaqueidad

In 1989, after approximately a decade of community organization, the Totonac of the highlands of Huehuetla Puebla, Mexico announced the creation of the *Organización Independiente Totonaca*. As a result of these events and the patronage of the newly developed center-left Democratic Revolutionary Party (PRD), the Totonac won the 1989 municipal elections. This was a major victory considering that the last time the Totonac self-governed was during the Porfiriato, some hundred years prior. The OIT was able to fracture the caciques withholding of municipal power through electoral politics.

During the years the Totonacs were in governmental power, they recreated the community modes of representation and organization. That is, they installed a people's government by "reinventing" the community assembly (asamblea comunitaria), a

traditional institution of community participation, to a larger and more complex “People’s Council” composed of the newly institutionalized “the Council of Elders”, the indigenous municipal government, and a representation of a man and a woman from each of the 11 Totonac communities. Furthermore, in contrast to the dominant politics of mestizaje, the indigenous government declared Totonac the official language of the municipality. It institutionalized the *faenas* as a means of organizing communal labor fairly, forcing Mestizos—the politically dominant racial group—to engage and participate in the building and development of the municipality. Re-elaborating the “Bando de Policia y Buen Gobierno”, the government institutionalized these new agreements such that the Mestizos would no longer benefit from the collective labor without participating equally and committing to the collective agreements. Yet, the Mestizo refused to collaborate with the *indios* and boycotted all their initiatives including a deepwater sewer system project destined to benefit Mestizo families in the center of Huehuetla. The Totonac also created the festivity *La Reina de los Listones* (the Queen of Ribbons) in opposition to the official municipal festivity sponsored by the Mestizos, *La Reina del Café* (the Coffee Queen). This counter festivity celebrated the Totonac challenge to the dominant Mestizo aesthetic, articulated mainly through racial notions of whiteness and class. These festivities reproduce not only the local racial hierarchies but also the objects and symbolism associated with it. Ribbons mark indigenous bodies; coffee marks non-indigenous adulations of the market.

The full redistribution of the state resources to the Totonac communities ignored by previous Mestizo administrations and left at the periphery of the distribution of state

funds was crucial to the new indigenous government. Yet, most important was the provision of traditional organized collective labor, the *faenas* that made possible the installation of the basic infrastructure in the 11 communities.

This first indigenous government was central to the formation of a collective identity *en los hechos*—the fact—within the communities; it gave meaning to what they called *Totonaqueidad* and their autonomic project. That is, on the one hand, the collective process of community building reinforced and reactivated local knowledge and forms of organizations. On the other hand, the community renewed its collective memory of struggle in relation to the victorious displacement of the Mestizo. The success of the initial years of the Totonac government is remembered today because of the collective and inclusive politics, which allowed communities to debate and decide their desires, needs and the possibilities and advantages of collective organizing to achieve development projects.

The experience of the collective government informed and filled with meaning the demands of self-determination and autonomy. Yet, this autonomic project was co-sponsored, using the Mexican state language of the time, by the Salinas de Gortari regime. This regime invested great economic and political capital in the region with the objective to gain sympathy within the rural sectors that had voted for the PRD. Pronasol was a key program in the development and consolidation of the Totonac organization, and where most of the monetary resources for the municipality came from. In fact, when the Totonac talk about the time they were in power, they always bring up the moment when former president Salinas de Gortari received Don Mateo, the first Totonac

municipal president. President Salinas de Gortari and Don Mateo shook hands after signing a budget for the installation of electricity and for the construction of roads, a populist strategy of governance. Notably, 1994 would signal a shift of relations between Totonacs and the state.

The Zapatista Alliance and the Making of the Bad Subject

The emergence of the Zapatista movement in 1994, an important political force that challenged the dominant Mestizaje project on a national scale, further legitimized the Totonac indigenous struggle. That is, the influence of the Zapatista ideology in Huehuetla allowed for a more complex construction of Totonacs' identity and cultural politics. This identity position challenged the state-limited constructions of cultural difference by articulating a discourse of indigeneity that was not limited to culture and biological traits but rather one that included economic inequality, ethnic and gender differences. Yet, the effects of the Totonac alignment with the Zapatistas brought violent effects to the region. The fear of an imminent indigenous uprising and rumors of a possible secession of the Indian regions rapidly spread across Mexico Mestizo. Tensions and anxieties about the “savage and violent” hereditary characteristics of indigenous people characterized the Mexican mestizos' racialized perceptions of indigeneity. In the context of the Chiapas uprising in conjunction with the Totonacs' withholding of municipal power, the mestizo population perceived the indigenous communities of Huehuetla as “dangerous Indians”.

As such perceptions saturated the region, the regional caciques allied once again with state PRI factions to regain the municipal power in Huehuetla. In 1998, the OIT lost the municipal elections under allegations of fraud, in addition to a strong deterioration of the communities' economies weakened by the downturn in the coffee market and the intimidation by the state and local paramilitary forces through their constant policing of the Totonac organizing activities.

Although suffering electoral defeat, the OIT has continued to play a very critical role as a mediating force between the Totonac communities and local, regional, and state powers. Drawing first from the knowledge acquired during their tenure as municipal government; second, from the traditional knowledge of community governance; and third, from the emergent and global and national rights discourse in which the Zapatistas have played a main legitimizing role, as seen in the San Andres Accords and its post-momentum, the Totonac have built a legitimate structure of self-governance. This governance is informed by the state yet it has found spaces within it from which to contest and transcend state power. At the intersection of these three fields of power and knowledge, the Totonac have constructed an autonomic project.

This chapter has mapped the historical socio-political processes that inform contemporary forms of Totonac indigeneity in Huehuetla. The historical moments that I emphasize are those that have influenced and marked the region's overall formation. Huehuetla's history with a big H and multiple histories of struggle are yet to be written. Such a void, however, could prove to be a significant advantage in the disruption of linear historical explanations and constructions of past processes. In other words, having

an empty canvas opens the possibility of including other voices on their own terms. The emphasis on the Totonac historical narratives of Huehuetla and the emphasis on their historical experiences disrupt the coloniality of power by situating the point of departure for these histories as the indigenous subject, that is, the Totonac. In the next chapter I analyze the shift from a corporate to a neoliberal state and the underlying logics of government that attend to this shift. The roles culture and race play in these new arrangements of power are central aspects of my analysis.

In this chapter I mapped the multiple and vexing historical processes that inform today's understanding of Totonaqueidad in the municipality of Huehuetla and its articulations with broader national processes. I have drawn from Marisol de la Cadena and Steve Stern's dynamic conceptualization of indigenous identity in order to challenge notions that portray indigeneity as a mere cultural construct detached from any other social realm and historical processes. The next chapter analyzes contemporary indigenous formations in the context of the Mexican state's shift to neoliberalism. My aim is to analyze the municipality as a crucial site from which neoliberal technologies of power and its multiple transfigurations flow.

CHAPTER 2

INDIGENOUS NEOLIBERAL GOVERNANCE AND THE TRAFFICKING OF “TRADITIONAL” KNOWLEDGE AND FORMS OF ORGANIZATION

“It is not a question of claiming that the older ways have been erased or consigned to history, but identifying something new taking shape within and alongside the old arrangements, something different threatening or promising to be born. Its birth is slow, complex; it is conceived out of the intersection of heterogeneous social, political, discursive and technological shifts, often in apparently unconnected fields. But this process, and despite its family resemblance to now deceased relatives a novel sense of community is emerging both as means of problematization and as a means of solution” (Rose 1999)

In the last decade, the Totonacs of Huehuetla have experienced both the presence and power of the state in complex and "deceptive" ways (Trouillot 2001). New and old forms of governance as well as new languages for old customs alike give the illusion of unconnectedness that I refer to in the epigraph. In this chapter, I look at these shifting forms of governance at the municipal level. Through distinct ethnographic vignettes I analyze the new rationales, discourses and practices of the municipal government and the resulting impact on contemporary discourses and practices of Totonaqueidad specifically, and indigeneity as a whole. My aim is to contribute to an understanding of the multiple and uneven ways by which the Mexican state operates and set the grounds for the emergence for particular neoliberal indigenous subjects. I maintain that racialized underpinnings, to hark back to the colonality of power, infuse the reconfigurations of

usos y costumbres in the neoliberal era, resonating with what Rose has termed “governing through community.”

I look at the distinct “spaces” the state inhabits; this is how the state makes itself legitimate and visible. In this sense, the reorganization of rural space is a highly perceptible manifestation of state power. This includes, but is not limited to, the construction of roads, the naming of the street, the consolidation of traditional forms of dispersed settlement into overcrowded, compacted, state housing complexes, the installation of bureaucratic offices and government institutions, the installation of policing units and the reorganization of municipal financial structures. Anthropologist Penelope Harvey, in her work on Peru, shows how roads not only speak of the materiality of the state but also the “means by which the state is engineered into the landscape, with the possible consequences of being able to control local populations more readily, particularly in relation to taxation and labour” (Harvey 2005). In Mexico, the introduction of roads followed a similar dynamic. It reflects the state's need to better manage and control dispersed populations, especially in the context of indigenous armed uprisings. At the same time, with the opening of paved roads, a marker of modernity, also signaled new forms of state power, new economies, new imaginaries emerged.

Roads invoke distinct moments and images: During the 1990's military road blockades through the highlands were part of the landscape, likewise unpaved roads in the national imaginary revived images of insurgency and savagery. The first time I passed near Huehuetla in 1999, there was no paved road and the path consisted of steep, slippery, sharp slabs of rock. The small, beat-up over crowded public transportation minivans traveled at an incredibly slow speed over the rough terrain. At that time public

transportation from Zacapoaxtla—the large town that serves as the southern entryway to the different towns within the highlands—to Huehuetla would take an average of six hours. Today, the same route takes approximately two hours by bus or one and a half hours by private transportation.

I returned to the field in 2006 after being gone for two years. On my way to Huehuetla, I was stunned by the multiple transformations the highlands had gone through in just a few years: the roads were upgraded from dirt to almost highway quality paving. The public transportation fleet now consisted of new small busses and large vans, in contrast to the old thirty-year-old blue school buses that had provided transit to the highlands on my earlier visits.

The constant flow of taxis and private autos—previously a rarity—was also surprising. As I approached the center of town, the van stopped frequently at distinct points of the main roads and *caminos reales* (royalty roads) that lead to the eleven Totonac communities of the municipality. The van also stopped in traffic, due to the increased number of vehicles on the road. The narrow cobblestone streets constructed in the early 20th-century for walking and small carriages did not allow for the passing of two cars, even less two buses or large vans at the same time. Often vehicles would have to wait 15 minutes to move a couple of blocks.

Finally, I arrived at the center plaza where the main road splits in two, the only two exits out of Huehuetla from the plaza. A highway patrolman stood in the western corner of the plaza, patiently waiting to stop and fine cars for a variety of infractions: expired registration, no license plate, passenger vehicles exceeding the legal passenger load, environmentally hazardous older cars and the like. Many of the cars that circulated

in Huehuetla early on were bought on the black market—often had United States plates—and lacked any kind of certification or registration. This was before the paved roads existed, when people commuted mostly by foot, state patrols were few and it was easy to enact these transgressions without legal consequences. Twenty years prior, state control was felt through other forms in these regions, particularly through state-sponsored “development” programs like INMECAFE and institutions like the National Indigenist Institute (INI). As I returned to Huehuetla in 2006, the orders of things had shifted. Such highly modernized modes of transportation and regulation were only one part of a new emerging economy, and it highly contrasted with the socio-political and economic landscape of the last decade.

Yet, these shifts are deceptive and are not so neatly delineated. Theorist Nikolas Rose (Rose 1999a) demonstrates how neoliberal formations emerge alongside older arrangements of power creating complex assemblages of power. In Mexico the shift from a corporate, clientelist, state-led regime to a neoliberal multicultural one overlapped with older forms of state power.

In order to capture these multiple forms of governance and their impact on the Totonac communities of Huehuetla, I also draw from other scholars of governmentality whom examine neoliberal regimes as it pertains to indigenous and community politics. Monica DeHart's (DeHart 2008) “micropolitics of indigeneity”, and Nikolas Rose “governing through community” (Rose 1999b), are useful conceptualizations that help analyze the many ways in which processes of neoliberalization are rooted in Huehuetla.

DeHart contends that in the context of neoliberalism, everyday constructions of indigeneity reveal the biopolitical aspects of governance. She points to how today's

neoliberal arrangements of power “operate through such rubrics as participation . . . that reposition the indigenous community as an important organ of governance and a source of development knowledge.” (2008:172-173). Her analysis echoes Tania Murray Li’s (2007) and Aihwa Ong’s (2006) ethnographic work on the processes of neoliberalization in Indonesia and East and Southeast Asia respectively. Both scholars underscore how the logics of neoliberalism render social matters as well as traditional knowledge technical.

These logics emphasize the production of free willed subjects with capacities of self-management (self-care) that converge with the logic of cost-effective politics and the “grand” idea of market-led democracies. The domino effects of such discursive renderings are seen in the reorganization of social relations within the Totonac communities of Huehuetla.

Like DeHart, Rose and anthropologist Tania Murray Li³⁷, point to the governing techniques that work through the community and all its multiple vexing relations. Rose views the community as:

... A moral field binding persons into durable relations. It is a space of *emotional relationships* through which *individual identities* are constructed through their bonds to *micro-cultures* of values and meanings...And it is through the political objectification and instrumentalization of *this* community and its “culture” that government is to be re-invented (1999:172-173).

Community, in this formulation, is perceived as a natural entity, a cumulus of knowledge, a site of intervention. In the era of state-sponsored multiculturalism it becomes a site of subject formation through the institutionalization of difference and political struggles.

37 See DeHart 2008, Rose 1999, and Murray Li 2007.

While these theories are useful for a general theoretical approach to neoliberal subject formation, it is important to understand these strategies within the context of a population's particular historicity and relationship with the state. For example, DeHart's analysis seems to minimize the power and role of the state and its multiple strategies of governance in order to underscore other global agents. However, in Mexico the state is still a powerful agent in defining indigeneity due in part to the particular ways in which neoliberalism integrated Mexican corporatism, clientelism, and entrenched nationalist ideologies of mestizaje and its counter part indigenismo. Further, while DeHart's analysis teases out important strands and overlapping layers of power dynamics, it nonetheless leaves out the material aspects of such power relations. Likewise, Nikolas Rose analysis leaves out as well the material and coercive aspects of the state.

Thus, in this chapter I will chart manifestations of governance through community in relation to the political economy of Huehuetla. The idea again is to find the relationships within these processes and practices that other wise might be seen as unrelated. With that particular task in mind, I analyze contemporary discourses and practices of self-care (individual and collective) and their relationship to contemporary languages and practices of *usos y costumbres*. I show how the state uses discourses and practices traditions and customs to reduce government costs by utilizing the local communities own forms of labor organizing. Further, I capture how culture and cultural practices become commodified in such scenarios, and are then used to mold "good subjects". The designation of Cuetzalan as a Pueblo Mágico a national initiative to attract tourism to distinct regions of Mexico brought about rapid changes in the

conceptualization and opportunities³⁸ for the people of Huehuetla. It amplified and rapidly shifted sensibilities and discourses of Totonac indigeneity. My overall aim is not only to “deconstruct” the logics of power but the material contexts that enable such logics.

Another example that I will be explicitly analyzing is the poverty relief program Oportunidades. There is a great amount of money from global institutions injected into the communities. These are managed and mediated through the state-run social and poverty relief programs. Within the neoliberal logic and understanding, the order of things these programs aim at relieving poverty, a mere calculative effect of the free market. Positioning poverty as an effect, an unavoidable risk, “security” in hands of the state goes hand in hand with the so called “poverty relief programs”. The social and poverty relief programs however, do far more than to mitigate the effects of capital. Nevertheless, what is new in this iteration of state paternalism is how it reorganizes power, power relations, and creates new subjects and subjectivities.

In order to undertake the task of analyzing these new governmentalities it is crucial to not fall in the trap of “detaching multilayered reform politics from the heterogeneous social fields in which it comes to ground” (Gustafson 2009) but rather to ground them in all its complexity and contradiction. From this perspective, I intend to analyze the Huehuetlan shifting modes of authority and forms of governance in the current neoliberal context and the consequent new forms of inclusion and exclusion (Rosas, Gilberto 2012).

38 Road access to Huehuetla became a key factor in the participation of the people within these new economies.

Governing Through Community: Exclusive and Inclusive Forms of Alterity

In Huehuetla, governing through community developed in multiple forms throughout the 1990s and well into the beginning of the 21st century. I first encountered this neoliberal strategy through my fieldwork in the late 1990s in the nearby indigenous municipality of Cuetzalan, an eco-ethno-tourism hub.

While working as an assistant researcher for the Mexican legal anthropologist Maria Teresa Sierra, I was invited to assist a group of Mestizos trying to form a cedar plantation and logging cooperative. I was invited by a local cacique of Santiago Yancuictlalpan, a Mestizo majority community of the municipality of Cuetzalan where I was doing fieldwork at the time. I was interpellated as a “mestiza”; as a non-indigenous urban outsider who for months was seen roaming around the Municipal Palace with high rank Mestizo authorities and well established Mestizo families. They viewed me as someone who would most probably would situate my Mestiza self above indigenous peoples. In Cuetzalan the political relations between mestizo-indigenous were not oppositional in the same manner that Huehuetla. It was a relatively easy terrain to navigate because it was a tourist enclave. Groups of people came and went. It had long been a preferred spot for anthropologists and researchers of all kinds.

The two-hour meeting took place in an elementary school classroom in a locality predominantly Mestizo, right in the border between Puebla and Veracruz. In a town with large extensions of productive lands dedicated to citric production (mainly oranges). The attendees, a schoolteacher, a priest, four landowners (land bosses), and a local news reporter gathered to choose a name for the coop. A large amount of time was spent during the meeting discussing the potential benefits of choosing a Nahuatl name for their group.

They argued the cooperative would seem more attractive to conservationists, ethno-tourism, NGOs, as well as government institutions promoting local forms of forest preservation and management. They were exploring various funding options but insisted on government sources like *Prodeplan*³⁹, a program that promoted and funded commercial forestry plantations in rural areas.

All of the people present at the meeting wielded significant economic and political power and were well versed in the multicultural languages of the state. They did not think twice about diverting resources destined for the rural and indigenous communities to their own project. They felt entitled to it and made sure that I knew this. One of the presents, a land boss, kept looking at me wondering who and why I was there. Finally, he asked me to introduce myself. I vividly recall his change in manners when he learned that I was doing research around issues of justice. From then on, he kept approaching me and wanting to establish a conversation. He wanted to know more. He asked me: Usted cree que los indios saben que es la justicia? Do you think Indians know what justice is? He continued his questioning in a sarcastic and higher tone of voice:

... Pero por supuesto que no. Sí quieres saber de injusticias, yo te voy a hablar de las injusticias que vivo todos los días. El otro día un *peon* me pidió que pagaré el parto de su esposa. (Risa) Porqué piensan que yo tengo la obligación de pagarles el parto? De por si se hacen y no trabajan nada más andan ahí haciendose tontos! A eso señorita (alzando su voz) le llamo injusticia!

... But of course not, if you want to talk about injustices I will tell you all the injustices I go through everyday. An *peón* asked me the other day to pay for their wife's labor (delivery). (Laugh) Why would they think I have the obligation to pay [all those Indians]. After all they only play me and end up not working. That

39 "PRODEPLAN was created in 1997 to trigger the creation of commercial plantations in productive lands, regardless of the property type. This program pays back up to 60 percent of the direct investment of commercial tree planters if survival is no less than 70 percent eight months after planting." (<http://www.fao.org/DOCREP/006/Y4829E/y4829e09.htm> viewed 12/16/11).

señorita(raising his voice), that is what I call an injustice (Fieldnotes Cuetzalan,1999).

The man's narrative dominated the conversation, full of arrogance and a sense of entitlement over the "indios" forced labor and bodies. I smiled silently to let him know I was listening, but I was not prepared to answer such racist comments. The drive back to Santiago Yancuictlalpan with the Mestizo cacique that had invited me was a continuation of the same monologue: the natural laziness and opportunistic character of the Indians.

This small vignette is significant in that it shows the many shapes these governing through community strategies and biopolitics take once on the ground and articulated with previous order and chains of relations. At the local level "development" and social projects targeting specific populations and regions are appropriated by the local Mestizos and infused with engrained colonial racial sensibilities. The Mestizos profit from a docile indigeneity. At the same time, they damn what they perceive as devious and annoying characteristics of indigeneity, like laziness, as part of a market-driven articulation of "cultural difference". They play a part within the complex web of social relations rooted in racial hierarchies and privilege.

In comparison to Cuetzalan, given the long history of violence and conflict between Mestizos and Totonac in Huehuetla, the non-indigenous population took a long time to adopt the discourses of diversity, inclusion, citizenship, and indigeneity. These discourses and sensibilities however were grounded and shaped by the historical and conflicting relationship between Mestizos and Totonac. Inclusion in Huehuetla translated, for example, to Totonac men and women being able to sell in the Sunday regional market without being thrown water from the Mestizo households, to not being run over with a

horse without some consequences, for Totonac children to go to school without suffering denigration or physical assault, or to run for office during the local elections. And although on a day-to-day basis tensions have dwindled down and languages of inclusion are thrown around at all times, racial hierarchies and privilege are still a predominant form in Huehuetla. I use the following example to demonstrate these processes and the multiple and vexing uses of ethno-racial identities and discourses on rights in Huehuetla become a salient category of political struggle.

During the 2001 primaries for the municipal presidency, political flyers and similar paraphernalia advertising the running candidates were distributed throughout Huehuetla. These flyers could be found everywhere, covering the paved and dirt roads, taped to car windows and storefronts, in the latrine, and in the wood-burning stoves together with the state propaganda of distinct social programs. In many occasions, the dominant party propaganda decorated states social programs supplies. House façades were also painted from top to bottom with red, green and white murals advertising the distinct Priísta candidates. There were yellow murals as well for the left PRD party and blue murals for the far right parties, but these were minor in comparison to the PRI advertising campaigns.

Even when there were no upcoming elections, party propaganda and politics saturated Huehuetlan lives. Besides the tons of unrecyclable trash that these political landscapes produced, it also spoke of the importance of political parties and its local, regional and state networks of power these were situated in. A particular flyer from the dominant political party's (PRI) internal elections read as follows:

Huehuetecos

Yo como indígena Totonaco defenderé tus derechos, conservaré los valores de nuestras tradiciones, apoyaré la educación hoy y mañana.

Los derechos sociales: salud, vivienda, una política social para niños, jóvenes y ancianos.

Es el momento de elegir bien con respeto a la democracia.

Con tu apoyo juntos haremos la fuerza como aspirante a la Pre-Candidatura a la Presidencia Municipal⁴⁰.

This flyer indicates a reversal of the political practices and discourses that dominated by the Mestizos' *del centro*—of the center—up until 1989. For the 21 years before the Totonac took back the government in 1989, two Mestizo families dominated the municipal government: 15 years under the Gudiño family and 6 years under the Suárez family, both, were well established Mestizo land bosses families. However, the nine years of Totonac government under the opposition party, the PRD, radically changed the political culture of the municipality. The local PRI party had to re-structure itself internally to accept different constituencies, including the Totonac.

The candidate of this flyer, a Totonac allied with the PRI, is interpolating possible voters/political actors through first, the new language of indigeneity, and second, the language of rights. The use of such languages and affects reflects the current neoliberal

40 Translation: Huehuetlan people. Like the indigenous Totonac I am, I will defend your rights, I will preserve the value of our traditions, I will support education today and tomorrow. Social rights: health, shelter, a social policy for our children, youth and elderly. It is time to choose/elect well with respect to democracy. With your support we will strengthen my candidacy in the pre-elections for Municipal President.

logics of governance. It underscores the recognition of “cultural affiliations, practices and knowledge” (Li 2007) as sources and pillars of good governance and political power.

For other regions and communities where oppositional parties and factions are the norm, this flyer might not be as significant but for Huehuetla where the Mestizo ran the municipality for decades as they pleased and where Totonacs were excluded from participating in any of these government posts, the shift is a radical one. So it is important to understand the way the PRI and the PRD were established and the meaning of these parties within the municipality.⁴¹ The PRI is the dominant, state party run by the Mestizos (although there is Totonac constituency). The PRD, established in the late 1980s as a challenge to the status quo, is predominantly Totonac with some non-indigenous participants. The PRI maintained its constituency through coercive and clientelist practices in Huehuetla and the rest of rural Mexico. Having been the only political party for more than half a century, the PRI-state for decades determined the distribution of state resources according to political affiliation and political needs. In Huehuetla Totonacs rarely participated in elections until oppositional parties emerged.

By the late 1990s both the PRI and the PRD had Totonac constituents. The PRD was able to channel the Totonac grievances. Both made claims to indigeneity. However, these claims were voiced in radically different ways. For most of its existence, the one-party-led state project did not hold indigeneity as an important aspect of its governance. The national project of *mestizaje* had taken care of that. The ideal Mexican citizen was imagined as a white Mestizo male. This did not mean that indigenous peoples could not

⁴¹ The PAN, the far right party came in later and does not play an important role in the Totonac/Mestizo conflict. Later it will be central in diminishing forces along both parties but principally becomes a party of Mestizos who left the PRI and wanted to gain power on their own terms. Totonacs do not figure in this struggle.

be *priísta* but rather that indigeneity was generally privileged strategically, as a voting strategy and not a socio-political project.

The OIT aligned with the PRD to pursue their political project. The Totonac people, members of the OIT and aligned with the PRD, placed indigeneity as the center of their political action, not only as a political strategy but also as a constitutive part of Totonac identity. The political party functioned as a means to achieve their larger political goals. It was within this particular context that the process of Totonac self-recognition and political identity formation was inaugurated, and eventually transformed power relations in the municipality.

However, the state neoliberal processes of decentralization and new forms of interpellation through multiculturalism eventually co-opted these processes of self-recognition and self-governance. They were aligned with global capital interests.

Governing Through Community 1: The Politics of Culture and Cultural Politics

During my preliminary doctoral research in 2005, Abundio Esteban Gaona was still Huehuetlas municipal president (2002-2005). Abundio, a Totonac agronomist, was the chosen candidate of the previous Mestizo municipal president, Victor Rojas, who had fought endlessly and violently against the organized Totonac communities. Municipal president Abundio ran the government affairs as they had been during Victor Rojas's tenure despite the fact that he was a Totonac. Many Totonac characterized Abundio as a Totonac *Luwanizado*, that is, *amestizado*, whitened. At the beginning of his administration tensions between the OIT and the municipal government ran high, peaking with the 2003 murder of Griselda Tirado Evangelio, a local human rights lawyer, an

active member of the OIT, and the head of the CESIK⁴². Further, the Mestizo violence did not cease after the murder, but continued for years to come but under the guise of the language of diversity and cultural difference. When I came back for my second season of fieldwork things had shifted in a very deceiving way. The new municipal president would take over the local government within the next few months.

As the political confrontation and struggles among Mestizos and Totonac diminished and the multicultural reforms consolidated, violence—whatever form it took—structural, state, racial and gendered became diffuse. Theo Goldberg’s postulation of the racial state in a way provides a lens by which to understand these seemingly antagonistic discourses. That is, as the state institutionalized “difference,” it effectively domesticated violence, moving it from a public to a private concern. That is, racial difference articulated through the language of culture was no longer a state concern.

In this context, the Totonacs were hopeful about the new president (2008-2011), despite the fact that he was a member of PRI. The new municipal president Pedro Rodriguez, was born in the Totonac community of Chilocoyo del Carmen and identified as Totonac. He had left to study agricultural science in the city, had not been involved in politics and seemed reasonably distant from the Mestizo power networks. Huehuetecos, Mestizos and Totonac alike, had high hopes that he would bring a new dynamic to the town given his “outsider” positionality. In other words, Mestizos and Totonac, previously

42 CESIK: Centro de Estudios Superiores Indígenas ‘*Kgoyom*’

excluded from the power networks⁴³ of the “traditional land bosses,” had a chance to establish a relationship with the new president.

The municipal president used his Totonac identity to negotiate with the Totonac communities, particularly the OIT. He had promised to integrate new people into his government, both young and old. His personal working group, secretaries and close collaborators were all in their mid-twenties and early thirties; many were from Puebla City. He also incorporated older Mestizo men and women from the center, some of whom belonged to the older cacique power networks, as well as powerful Mestizos who had been excluded by previous governments. From the Totonac communities, he incorporated young men and women with distinct party affiliations, yet he made sure to include young leaders from the OIT into his cabinet. It was the first time, locally, that a PRI government had incorporated such a range of political actors.

In this context, I was able to establish for the first time a relationship with the municipal authorities. The year when I first arrived, 2000, was a moment of heightened repression by the Mestizo authorities fueled by anxiety that foreigners would come in to organize indigenous people. Thus, I was not well received by the Mestizo population. However, under the new government, there was less tension between the OIT and the municipal authorities. This was in part due to the president’s identification as Totonac, and partly because the government’s multicultural policies obliged the local government

43 Within the Mestizo community there are also many divisions around class, status, and the like. There are several land bosses that have been able to keep their power over time. However, there are new actors linked to new forms of capital that contest the figure of the old fashioned cacique and its power. Professor Victor Rojas was one of these new figures, a relatively new cacique that was able to control municipal power networks through the historically powerful education unions as well as through his well-established political networks at the state level.

to work with the local organizations, thus minimizing antagonisms. My involvement with the CDI and CIESAS project on the Indigenous Court also situated me in a different light with the local authorities. So, after seven years working in the region, I was now a legitimate researcher for the state and not an isolated “unrepresented” activist. The municipal president was accessible and constantly invited me to witness the projects and achievements that his government had set in place. However, I suspected his intention was political as he wanted to give me an alternate perspective to what he assumed the OIT leaders and indigenous authorities were telling me.

In a two-hour interview with the young municipal president Pedro Rodriguez, he sketched his political trajectory, his Totonac roots, his career as an agro-technician and his current vision for the government. The interview took place in the president’s office in the municipal palace, next to a two-meter high Totonac warrior with a missing limb and a broken hand. The statue had recently been found in a construction site next to the Kgoyom, a Totonac sacred temple where Totonacs from the region congregate during religious festivities. The majestic clay figure lay flat in a wooden cabinet, invoking images of a grandiose past and a broken/fragmented present.

The municipal president was very open to my questions, although I sensed him trying to avoid questions surrounding his links with Victor Rojas, the ex-president, as well as his opinion of the OIT. When I asked questions on those subjects, he would immediately raise his voice and bring up an anecdote of some sort. Nonetheless, he generally responded willingly. This was an important shift from previous presidents who would either refuse to talk to researchers or would go as far as harassing them,

particularly if they were linked to the OIT⁴⁴. My positionality was interesting however, as I was not viewed as external foreigner, a *gringa o guera*. I was a woman. I was brown/mestiza unlike the two anthropologists who were tall, and white as snow. I was non-threatening.

The municipal president Pedro Rodriguez presented a complex identity positions made visible new articulations of indigeneity throughout the interview. He did not identify at any moment in time with the narrative of exploitation and exclusion that most Totonac refer to when talking about “being” Totonac. Instead, he attributed his Totonac affiliation to language and place⁴⁵.

His complex identity position can also be witnessed through his relationship with the indigenous organizations. In this next passage, the municipal president explains his first encounter with the OIT in the late 1990’s before the end of the Totonac government. Rodriguez recounts how he was accused by the Totonac organization of privileging the Mestizos *del centro* —those, of the center—in the distribution of corn mills and of not delivering to the Totonac communities (Interview 2008):

Había una demanda de mil molinos y sólo quedaban 400. Los Totonacos me dijeron que ‘tu tienes la culpa porque atendiste tu a los de arriba. A los luwanan(los Mestizos). Pero yo les dije: “lo resolvemos.” Para entonces yo ya

44 In 2001 while in fieldwork for my masters, two male anthropologists, one from France and the other one from the US, both white, were accused of stirring up the Totonac community and inciting them to organize against the state (i.e. Mestizos and the local government). These rumors were organized and spread through the Mestizo community and the municipal government. At that time, the composition of the local government was Mestizo or at least claimed non-indigenous affiliation and they organized and used state resources against the Totonac communities. The two anthropologists accused decided to send letters from their universities explaining their research to the municipal government as a way of deterring rumors and clearing their presence in the municipality. Tensions escalated nonetheless, between the “outsiders” collaborating with the Totonac organizations and the Mestizo community.

45 What I want to highlight here is the points of intersection with Totonac identity markers (material and non-material) and the moments of self-recognition as Totonac and the moments of disavowal.

tenía miedo porque yo estaba solito y aquí estaba todo el ayuntamiento (de la OIT), y los que vinieron a quejarse eran indígenas pero yo les entendí porque yo hablo 100% Totonaca. Ellos me dijeron: “No, es que los luwananes nos pisotean.” Yo les dije: “No, no te pisotean si tu coordinas los trabajos.” Y yo ya me molesté porque yo les dije: “Mira, sí al final de cuentas si no quieres a los *luwananes* (Mestizos) de acá porque tienen asesores de afuera.” Porque aquí tenían abogados de la ciudad de México, de Puebla, de Veracruz, de otros estados [He is referring to the external advisory board of the Totonac indigenous government] y les digo: “y si no quieren aquí a los que no entienden por el español porque tienen a esta gente de fuera que son luwananes, no son indígenas. Ahí estaba la discusión. (Entrevista Pedro Rodriguez 2008)

There was a demand of 1000 corn grinders and there were only 400 left. The Totonac told me “You are to blame for this because you served the upper class(los de arriba). The Luwanan (Mestizos).” But I told them: “We’ll solve it.” By that time I was afraid because I was alone and here I had all the Totonac town hall, and the people that complained are indigenous but I understood (what they were saying) because I speak 100% Totonac. They (the OIT town hall) told me: “No, the Luwanans step on us.” I replied: “No, no, they do not step on you if you coordinate the work.” By then I was bothered and told them: “Look, in the end if you don’t want the Luwananes from here why do you have people from the outside (referring to non-indigenous) as advisors?” They had lawyers from Mexico City, from the City of Puebla, from Veracruz, and other states (referring to the group of advisors working with the OIT and Totonac municipal government). So I told them: “and if they don’t want people here that do not understand because of their Spanish why do you have these people from the outside that are Luwananes?⁴⁶ Also, they are not indigenous. That was precisely the point of discussion.” (Interview Pedro Rodriguez 2008)

Notably, the president was careful not to dismiss the OIT but also did not hold back in acknowledging his disagreement and disengagement with what he viewed as Totonacs being too political and not actually doing much: “*mucha política y nada de nada*”. His overall argument was that politics worked against the development of the Totonac communities. Racial inequality was largely absent in his commentaries. He viewed racial and economic inequality as an individual issue; one had to just work to gain

46 In terms of racial politics, Luwan refers to a character, a position and a way of being. Thus, not all non-indigenous people occupy this highly contentious space given that it is in relation to the logics of exploitation that Luwan makes sense. This will be discussed in more detail in a later chapter.

access to economic privilege to overcome it. If you work hard, he argued again, and again, you should not have to fight with the Mestizos. His words ultimately denied the Totonac's experience of exploitation and marginalization.

These moments of recognition and misrecognition in terms of the historical struggle against exploitation and racialization were what set the boundaries of belonging between “they”, the Totonacs, and him. In most of the interviews he situated himself as an outsider and marked the borders of belonging. He would constantly emphasize the ‘they’, *los indígenas*, the indigenous, with a marked politics of differentiation. I will approach the moments of recognition at the end of the chapter. His narrative speaks of the new articulations of indigeneity, those of an individuated neoliberal perspective.

The municipal president Pedro Rodriguez's effective depoliticization of the indigenous struggle through the language of technical development echoes Li Murray's portrayal of the Indonesian neoliberal turn. Li Murray (2007) identifies the shift from a social problem to a technical problem solved through a set of formulas or prescriptions as a key neoliberal strategy. This process further serves to depoliticize the “social” as central tools that ground particular rationales of government. She argues that the neoliberal aspects of these development programs lies in the government strategies that aim to regulate conduct indirectly rather than directly, “they set conditions, structure a field of possible of actions, and use incentives to foster new habits of entrepreneurship and responsibility, competition and choice.” (Li Murray 2007). Following this same rationale, the municipal president articulates *politics* as a “problem” that is located in a lack: a lack of modernity, a lack of knowledge, and the like. Once, the Totonac

communities are “*capacitadas*”⁴⁷—trained—in specialized workshops on modern agricultural techniques, then the problem of Totonac poverty would be solved.

Rodriguez’s Plan de Desarrollo Municipal 2008-2011, Huehuetla’s economic development plan for 2008-2011, emphasizes the same underlying neoliberal logic. The document is a seventy-page *diagnóstico* (diagnostic) of the main problems and projects established for the municipality. After a brief exposition of the characteristics of locality—in terms of its geography, population and its ecosystems—the document explains the current social and economic development. Social development includes education, health, and housing, while economic development groups together distinct economic activities like agriculture, livestock, mining, manufacturing (*industria manufacturera*), commerce, tourism, traditional celebrations and dances, customs, folk art and customs, and public services⁴⁸. The document’s key concepts are development and modernization, which are measured through indexes and statistic indicators used to argue the lack of “progress” and justify the local government’s projects.

It is worth noting that traditional celebrations and dances, customs, folk art and artisanal crafts are situated right after the section on tourism. This positioning resonates with the neoliberal logic of the maximization of resources for the global market. This

47 *Las capacitaciones*, or *la capacitación*, is a common language among indigenous peasants in the highlands of Puebla, and I would guess throughout the region. This word refers to a lot more than just workshops, or training, but to the inferred notion that someone who needs to be trained is lacking something, usually “knowledge” or the general capabilities of developing peoples. It is also tied to the racial logics of modes of hegemonic knowledge because *capacitación* is not used to refer to Totonac or traditional knowledge, it usually refers to the specialized scientific knowledge imparted by the state, by the NGO’s, and the like. This word is particularly recurrent within NGOs. It was certainly a favorite word of the judge and the mediator as they spoke of being trained in such-and-such theme.

48 The information and perspective provided draws upon the state of Puebla development plan 2005-2011 (see <http://www.coteigep.pue.gob.mx/index.php>).

section implicitly defines historical monuments, material cultural productions, and natural sacred Totonac sites as commodities. They do not develop this section any further than stating dances, dates of “traditional” celebrations and the like, yet the way it is framed speaks of the inherent market logic from which these cultural productions are viewed.

The core of the document presents different aspects of the municipal economic and social reality based on global discourses on development and modernity. It identifies through pre-established national and global poverty indicators the places in need of intervention in order to scale up out of the numbers of extreme poverty and high marginalization in which the municipality has been placed.

The president’s highly specialized training in agricultural and developmental aspects of the rural world, infused with the hegemonic discourse on development and rationality, permeates his approach to his government. The science behind the discourse and practices of development is based on a universal classificatory scheme. In this scheme, poverty is not analyzed as a result of complex, asymmetrical, socio-historical forces but rendered natural as a mere technicality or inefficiency that can be resolved through distinct social programs, through *capacitaciones* of the Totonac peoples, and through a type of managerial intervention. This approach echoes the case of Lesotho, Africa, where development programs reduce poverty to technicalities, while at the same time fulfilling “extremely sensitive political operations”—such as the expansion of state power—(Ferguson 1994:256). The Huehuetla municipal president's reading of poverty as a problem condition outside of the political body resulted in the same dynamic that Ferguson analyzed in Africa, exacerbated by his position in a neoliberal racial calculus.

In comparison, the Municipal Integral Development Plan and Government for the Municipality of Huehuetla 2005-2008 put together by the Community Councils of the OIT presents a different perspective on government authority and indigeneity. It is worth noting first that the OIT Municipal Plan it was compiled collectively through communal assemblies. Unlike the Municipal Plan, which is written as an action plan to serve the municipal government, the OIT document is formulated as a proposal as they were not in government. The terms of comparison could be debated, but the point that I want to underscore here is the way the information and knowledge, the way “development” is imagined, and the underlying perspective on indigeneity as the way “truth” is made.

The OIT proposal cites as its pillar the 169 Convention of the ILO regarding Indigenous and Tribal Peoples in Independent Countries; it uses the tenants of this convention to frame the rest of the document. The proposal depicts the social history of each of the Totonac communities. It compiles the knowledge, demands and possible alternatives and desires for each of the eleven communities that make up the municipality. The concerns are the same as the Municipal Plan: how to surpass marginalization and the vicious cycles of poverty. However, it approaches these concerns from a “first nations and sustainable perspective”. The proposed areas of intervention are agriculture, education and natural resources.

The proposal uses many recognizable aspects of a government document: population, culture and religion in parenthesis (“traditions and customs”), tourism, and ethnic groups to characterize the population and situate the municipality. However, the document often mixes technical language and community knowledge. For example, in the subsection on wildlife, an impressive list of local wild animals is followed by a

comprehensive description of the multiple ways wild life “complements the indigenous diet” and how wildlife is affected by over-exploitation. Such an approach likely reflects the communal effort that went into the proposal’s creation.

Both documents have similar sections, sometimes sharing verbatim content from public official monographs of the municipalities of the state of Puebla. However, these categories are organized differently, reflecting the different priorities of the distinct parties creating these documents. The inescapable language of development infuses both documents. Yet, the organizing principles and the way the “data” is framed creates two distinct documents with different meanings. In the official municipal development plan, the logics and needs of the community are formulated and affirmed principally through statistics. The statistics are presented in a way that renders social problems as technical and thus in need of improvement through a certain specialized technical knowledge.

In these documents people, projects, needs, and desires are read as numbers that can be added or subtracted to yield progress and modernity. These differences are often subtle, but they are important. As anthropologist Ana Tsing (Tsing 2009) writes: “Words for difference and identity compete, collide, and coalesce, forming new sites for agency and political action. Such words in motion challenge us to learn about world crossings” (:40). From that perspective, these documents are site of contestation over the multiple genealogies, translations and claims to indigeneity today. It is in this crafting of a municipal development program sustained through statistics and a state requirement where the process of truth-making is rendered visible when governing through community is realized. In other words, the Totonac communities become governmental (see Rose, N., 1999).

Yet, “governing through community,” articulates in complex forms and differently depending the scales of communal life where these take place in. Other federal programs that work at the local scale like Oportunidades draw on distinct languages of *usos y costumbres* and forms of organization as means of governing.

Governing through Community 2:

Neoliberal Technologies of Power in Oportunidades

The introduction of roads, cars, electricity, and thus, television and the internet, has allowed the state, as well as many other “state-like” agents, to infiltrate all aspects of Totonac social life. Programs like Oportunidades, a social assistance program, provide cash transfers to women with little resources, grants for their school-age children, basic health services and a bi-monthly check⁴⁹. This program is a continuation of Progreso, a poverty relief social program initiated by President Ernesto Zedillo (1994-2000)⁵⁰. The first program of its kind put to work after the failure of other poverty relief programs that worked by providing poor families with provisions and subsidized basic foods. The novelty of this program resides in the transferring of cash to families in need yet the beneficiaries are subject to a series of responsibilities in order to obtain the state money. They call it co-responsibility, and is understood, as Molineux points out, as a cost-sharing

49 See http://www.oportunidades.gob.mx/Portal/wb/Web/poblacion_objetivo

50 Oportunidades has certainly acquired new tools and techniques of subjection and subject formation that integrate bio politics through the appropriation of local and traditional forms of organization and relation. For example the Tequio, asamblea, mano vuelta, el sistema de cargos, etc... This shift in technologies of power, although not new, PRI cacicazgos, worked seemingly through these structures. Particularly, Oportunidades has been a central tool targeting women and children through the management of their time, bodies, and perceptions of what means to be a good clean subject (ideas of hygiene and health). This trajectory will help understand the shift to neoliberalism and its particular technologies of government.

process that is, “beneficiaries contribute their labour for the implementation of the project” (Molineux 2006:434).

The main responsibilities that beneficiaries have to comply with, which fall solely on the women of the household, are to send the school-age children to school as Oportunidades provides the stipend that a working child would bring home otherwise. The amount of cash transferred depends on the number, gender, and age of the family members. There is a specific transfer of cash destined to help each of the school age children and youth, as well as elderly members of the family. There is also a family nutrition stipend destined for the purchase of food and a school supply allowance given at the beginning of each school year.

Monto Mensual de Apoyos Educativos Julio- Diciembre 2010		
Primaria	Hombres y Mujeres	
Tercero	\$145	
Cuarto	\$170	
Quinto	\$220	
Sexto	\$290	
Secundaria	Hombres	Mujeres
Primero	\$425	\$450
Segundo	\$450	\$495
Tercero	\$475	\$545
Educación Media Superior	Hombres	Mujeres
Primero	\$715	\$820
Segundo	\$765	\$875
Tercero	\$810	\$925

This chart is in Mexican pesos. Source: Reglas de Operación de Oportunidades 2011. Downloaded from http://www.oportunidades.gob.mx/Portal/wb/Web/reglas_de_operacion_oportunidades_2011 in Feb. 2011.

In terms of health, the program offers a “basic package” (paquete básico) that aims at assisting family members with a preventive medicine plan. On the one hand, it provides families with frequent medical check-ups and monitoring of the nutrition of pregnant women and children less than 5 years of age, and monitoring the growth of children through frequent anthropometric measurements. On the other hand, it provides a series of workshops and talks around preventative medicine particularly with what are called “self-care”(autocuidado de la salud). The enrolled families are obliged to attend these meetings and check-ups; otherwise they are removed from the program. For members over 70 years old, the government offers a monthly stipend of \$305.00 pesos—approximately 25 dollars—as well as daily nutritious breakfasts (in conjunction with the CECAM).

Lastly, the program also provides, bimonthly, a vitamin supplement and money for energy consumption. Below is the chart with the amounts of the monthly cash transfers other than the education scholarship.

Monto Mensual de Apoyos Julio-Diciembre 2010	Pesos
Alimentario/Food	\$220
Energético/Energy	\$60
Alimentario Vivir Mejor/Food	\$120
Adultos Mayores/Elderly	\$305

According to the national program outline, Oportunidades was designed in a way that would prevent meddling of political parties and interests. Yet, given its large and high impact in extremely impoverished communities, and given the amount of cash given to families, Oportunidades is far from achieving a neutral state program. The

implementation of this program continues the old party favoritism and clientelist style of politics.

Oportunidades relies on longstanding status quo politics. It also privileges those who have ties in one way or another with influential state agents and those who speak the language of the state better, including its Spanish form. Oportunidades works not only with local government authorities but also through Community Promotion Committees made up of health, education, nutrition and surveillance members voted by the affiliates. They are in charge of establishing a link between the family affiliates and the health, education and national coordination agents in charge of the program. The women in charge, like many of the Totonac women who talked to me about the program, are usually powerful PRI-affiliated indigenous women who decide who gets to keep Oportunidades, suggesting the residual nature of the old in the new. The deceptive politics of the state emerge again.

The Oportunidades program further requires that all beneficiaries' receive monthly health check-ups and attend the multiple workshops and talks programmed. The objective of such structuring was to break the cycle of poverty by "developing" the "capacities" of the recipients.

There are many layers to the logics, implementation and effects of the program Oportunidades. In the case of Progres/Oportunidades the implementation of the politics of self-care are backed up by expertise, a series of studies, evaluations, statistics that permit the introduction and validation of such state regulation, effectively depoliticizing poverty. The discourse behind the politics of self-care of this program is that "extreme poverty is essentially a result of inadequate individual and family capacities, that are

translated in a marginal social functioning” (Valverde et.al. 2006:118), erasing structural causes to indigenous marginality. Further, such programs construct stigmatized perceptions of selves (idem)⁵¹.

According to this definition, it is understood that improving education, health, hygiene and nutrition can break the vicious cycle of poverty. This position echoes the discourses on Mestizaje put forward in post-revolutionary Mexico from the middle of the twentieth century, which aimed at the improvement of the race and the whitening of the population through education and hygiene practices (Urías Horcasitas 2007; De la Cadena 2003). Today state intervention in its neoliberal form inserts in to the daily lives of Totonac by controlling women’s spaces and bodies. In its capillary operation it reconfigures and normalizes daily lives within the confines of the private. Thus, delinking in appearance the political from the private spaces of social life. Furthermore, these programs and development projects implemented and managed by the state are tightly linked to global/multilateral corporations/institutions (InterAmerican Bank and later the World Bank). They play a role in reproducing the logics of “governing through community” and require further scrutiny.

“Oportunidades nos quita el tiempo”

The gendered nature of Oportunidades allows these policies of neoliberalism to stream deep within the everyday lives of the Totonac and the internal logics of the

51 Totonac and Nahuas of the area receivers of Progres/Oportunidades program qualified themselves as poor in comparison to non-receivers(idem Valverde et.al. 2006)

“traditional” community. The Oportunidades program target population is women. The program positions them as the pillars of the family structure.

Through the idea of co-responsibility Oportunidades intervenes through various forms: First, in the ongoing intervention and surveillance of women’s bodies. This is visible through the particular on-going control of the women’s reproductive choices and habits through monthly or bimonthly medical check-ups. Women in general experience these in a negative way, many complain of being subjected to a birth control regime and reproductive plans not of their choice as well as discriminatory practices and treatment by the clinic staff and doctors. Another form of surveillance is through the provocatively named *capacitaciones* (capacitating) workshops that women are obliged to attend. The purpose of these workshops is to “empower” women by providing them information regarding hygiene practices, health and nutrition, knowledge expected to be transferred at home and thus, subject of policing. Anthropologist Mariana Mora’s insightful analysis of the logics of Oportunidades program argues that these programs in the context of the Zapatista low-intensity warfare “attempt to regulate, control and violate the social and biological reproduction of indigenous population through women” (Mora 2008: 202) The Totonac women’s experiences as well attest to this. Nonetheless, programs like Oportunidades targets as well the community as a whole not only through individual bodies but through collective ones like that of the community. This brings us to the second and third form of control.

Secondly, it regulates Totonac communal and familial time, a central component of this biopolitical regime. For example, Totonac women have to walk, sometimes for hours, to the clinic and then wait before being seen by the doctors. If they miss, they are

either subject to a temporary sanction or a permanent expulsion. Workshops and capacitaciones for women are obligatory and take long hours of their time. The Oportunidades assemblies, similar situations happen, as these take long hours of discussion and organizing, keeping women and men from their daily activities. In Huehuetla, inconformity arose when these assemblies were schedule to take place on Saturday mornings, at the same time as the OIT political meetings. Many Totonac view this overlapping not as a mere coincidence but rather a political tactic to thwart any type of autonomous organizing.

Lastly, women as well as men are obliged to provide labor in order to fulfill the assigned tasks. These tasks, as explained to me by community members, were assigned to the family (*tareas por familia*) to be fulfilled by one of its members. Some of these tasks were to clean the side roads of weeds, underbrush, and the like were assigned to men principally. The tasks designated to the women were for example, cleaning the clinic restrooms and waiting areas. The law bound these obligations stated in the contract with Oportunidades. For example, keeping the IMSS-Oportunidades⁵² and surrounding communal areas clean was a mandatory task. Oportunidades functioned, similar to colonial times, by appropriating traditional forms of reciprocal labor organizing and voluntary labor—*faena*.

Such organizing structure is successful because of the power and symbolic weight such traditional forms have. *El servicio* and *la faena* although these forms have systematically decline, still hold an important moral reference for the community and

⁵² This is a federal program run by the Instituto Mexicano del Seguro Social (IMSS) that provides health care to vulnerable population.

forms of Totonac belonging. Yet, the importance here of the appropriation by Oportunidades of the *faena* is not only the economics of it. It *faena* resembles corvée labor more than the voluntary traditional labor that characterizes indigenous forms of organization, but the moral aspect of it as the Totonac community upholds this practice is central in their understanding of who they are. The appropriation of the *faena* by the state has two fundamental purposes, on the one hand, to mobilize the Totonac community, and on the other hand, in a broader sense it works to define the limits and contents of what Totonaqueidad means today through the constant reiteration and validation of certain habits and practices ranging from hygiene to sexual conduct. As such, the appropriation of such forms of labor, forms of organization, knowledge, practices and habits are a core part of neoliberal governmentality. Further, I suggest it molds conduct at distinct levels, reformulating life at the individual, family, and community levels.

Governing through Community 3: The Browning of Police Forces

In the late nineties, in response to the national instability brought about by the economic crisis, the lack of government legitimacy, multiple indigenous uprisings like that of the Zapatista National Liberation Army, and the upsurge of social movements particularly around indigenous rights, the government militarized the indigenous regions throughout Mexico, especially the areas that had any history of organization or mobilization. Huehuetla was no exception. Totonacs were perceived as a threat given their solidarity with the Zapatista armed movement, particularly while they held office

(1989-1998), and had access to state resources and legitimate power⁵³. The militarization of the municipality brought about a new perception and relationship of the Totonac communities with the state. The militarization of Huehuetla diminished as the negotiations between the Zapatista movement and the state kept extending, and the threat of a nationwide indigenous uprising became unlikely. Although the logics of government started shifting with the Salinas de Gortari presidential regime in the early nineties, by the beginning of the twenty-first century the direct militarization was replaced by a series of policing bodies through which the new strategies of governance and policing filtered ever so slowly into the social fabric of Totonac communities. In this section, I situate historically the shifts and transformation with respect to the security forces and its relation to the shifting and deepening of the Mexican neoliberal regime.

In the last fifteen years, the Totonacs of Huehuetla experienced both the presence and power of the state in complex and contradictory ways. Even though the Totonacs of Huehuetla were no longer experiencing the direct and raw forms of power like the militarization of the communities and similar coercive state practices, other forms of policing took place through a variegated assemblage of technologies. These transferred the practices and acts of policing to the people themselves. That is, the practices entrusted to the state transferred to the communities through technologies of the self, previously discussed, and through these, the state also left communities to compete for state and state-like resources, pitting communities against each other.

53 In 1989 the Totonac won the municipal elections and became one of the first experiences of indigenous municipalities nationwide.

The militarization and state policing of Huehuetla happened in the wake of the armed uprising of the Zapatista National Liberation Army. The declaration of war against the state by entire rebel indigenous communities captured the attention of non-indigenous and indigenous peoples throughout the nation. On the one hand, the Zapatista mobilization rendered visible the many ways indigenous peoples were excluded from the nation. On the other hand, for the indigenous peoples the Zapatista uprising provided an example, a language of resistance and action, and multiple horizons of possibilities. The national juncture provided cover for the Totonac to mobilize against power in multiple ways.

In 1994, months after the EZLN uprising, 2500 Totonac who had for months been negotiating coffee grain collection and payments with the INI (Instituto Nacional Indigenista) took over the offices of the institute and confined the director, a Mestizo allied with the PRI and the cacique network. They called the central offices in Mexico City to negotiate payments and the replacement of the INI director as it only distributed resources to PRI-allied Totonac. The power the Totonac had acquired by the indigenous municipal government in the context of national mobilization of indigenous peoples and the Zapatista movement created critical shifts of power in the region. The Mestizos' alarm and discontent over the national political juncture mapped onto national strategies of governance of militarization. The region was militarized in light of the threats of armed uprising presented to the country, particularly in regions where the EPR armed guerrilla were present⁵⁴ and in organized indigenous municipalities like Huehuetla.

54 Ejército Popular Revolucionario, Revolutionary Popular Army emerged in 1996.

The state, in order to accommodate the growing number of armed movements and threats throughout the country, initiated a series of reforms in which the armed forces were given ample freedom to intervene in the daily life of the citizenry through social and security programs: national reforestation projects, national disaster intervention and the off-and-on implementation of the Law of Fire Arms and Explosives (Ley de Armas de Fuego y Explosivos) which spread throughout the national territory military units in order to do social service or apply the distinct laws mentioned above.

In Huehuetla, the military set up at distinct moments small camps with the excuse of reforestation and social services. It must be pointed out as well that in the highlands there is a long tradition of military recruitment. Enrollment in the military is high and grows with the distinct economic crisis. I know of at least 8 families that have sons in the military. These men rarely come back to the communities. Yet, the bulk of the militarization came about in the form of military checkpoints that had sprouted throughout the highlands.

In 1996 along with the militarization came the installation of state policing bodies like the Judicial Police (Policía Judicial) who situated their headquarters across from the nun's residence, a central space used for OIT organization meetings and gatherings. The nuns, ascribed to the Carmelitas Descalzas order, denounced it as an act of intimidation by the state government. The policing of the OIT activities was in order. According to the prosecutor in charge in 2008 the state police came to the municipality to solve the problems of violence so endemic to the Totonac communities. "Since we arrived things have changed and violence has diminished" (Interview MP 2004 and 2008). This is the

justification of their presence repeated in different forms to me by distinct public prosecutors in turn in Huehuetla.

In 1999 the highlands of Puebla and the northern region of the state of Veracruz was hit by an earthquake followed by a week of torrential rains, which in a highly steep, porous, irregular terrain translated in landslides throughout the region. The spiraling roads that embraced the distinct mountains were cut in half from top to bottom, communities near the rivers were wiped out, and people near hillsides—thousands—were endangered as hillsides kept collapsing due to the saturation of water on the ground. The military applied The Population Relief Plan in Case of Disaster usually known as the plan DN-III. It occupied the highlands once again. Nonetheless, the military withdrew their systematic presence in the context of a national indigenous movement weakened by low intensity warfare and locally after the OIT, no longer in government and no longer a threat, started fragmenting due to structural pressures on the members, migration and ideological differences. Thereafter, new technologies of government crystallized into new configurations of the policing order that meant integrating in their ranks local young men.

In Huehuetla, the state police, a coercive and intimidating state institution, over the years has reconfigured the constitution of its ranks. The first years they settled in Huehuetla the members of this institution were mostly ‘outsiders’. Years later it has visibly integrated local Totonacs to its force. Visibly armed with powerful weapons like AK47 rifles and high impact guns, these blue-uniformed police units do rounds throughout the municipality in large white pick-ups. The commanders ride in the cabin, and a police unit of four to five ride in the back with their firearms pointing at the road. Dressed in military boots and blue uniforms, they do not go unnoticed; they menace.

Yet, the aforementioned shift from a purely non-indigenous force to a mixed police body composed of Totonac from the municipality and the region captures a permutation of the governing through community. For the young Totonac men joining the state police would not only provide a well-paid job but power and prestige. For many, as a young Totonac man once told me, it was an attractive option and one that changed once again the landscape of justice. This shift presented a great challenge for the political organizations as it disrupted the ethno-racial lines that so clearly divided the political adversaries as Mestizos and Totonacs.

Moreover, the shift created new power relationships and strategies of self-governance. That is, the knowledge the locals provided to the institution in terms of language, forms of organization, and knowledge of the landscape was invaluable. Indigenizing such ranks provided legitimacy and a complex and effective counter force to political organizations like the OIT.

This chapter aimed to show the shifts to neoliberal forms of governance and the effects of such technologies of power in the everyday life of Huehuetlans. It touched upon the many ways neoliberal governance rationalizes life and renders technical social problems, depoliticizing struggles along the way. The next chapter dwells into the institutionalization of indigenous rights and its effects on the everyday lives of the Totonac people. I specifically look at this through the inner workings of the state-sponsored Indigenous Court.

CHAPTER 3

MAKING THE ILLEGIBLE LEGIBLE: *USOS Y COSTUMBRES*, INDIGENOUS RIGHTS AND JUSTICE

The Indigenous Court

On February 2004 after a traditional ceremony thanking Kinpuchinakan (or "god the father" in Totonac), hundreds of Totonac men and women from the surrounding communities of Huehuetla, officials from the different levels of the state and local governments, and the media gathered to inaugurate the state-sponsored Indigenous Court. All the attendees including high-level state officials representing the governor¹, Totonac leaders, journalists, and community members waited outside the Indigenous Court building for the elected judge Don Manuel Aquino. Dressed in traditional Totonac attire: a white cotton *calzón* (cotton breech) and white dress shirt, leather huaraches, and a palm tree sombrero, Don Manuel cut the red ribbon officially inaugurating the Indigenous Court. Once the official ceremony was over, the attendees re-located to the OIT's warehouse to celebrate. The Totonacs perceived this event as a decisive victory, first and foremost against the Mestizos' power, but also in their larger struggle for the recognition of their rights within the nation-state.

The Indigenous Court of Huehuetla played a critical role in destabilizing local colonial logic and structures of power. The court challenged and transformed the highly racialized relationships of power between Mestizo and Totonac people as well as within the Totonac communities by creating a venue and a space that allowed Totonac women

and men to question "traditional" practices. In this chapter, I look at the first aspect, the processes by which the Totonac contested Mestizo power through the Indigenous Court and its rippling effects within the region's Mestizo structure of dominance.

In Mexico, as anthropologist Rachel Sieder points out in the context of Latin American states shift to multiculturalism that the integration of indigenous customary law into the state's national legal structures and imaginary "represents a way in which ruling elites map out new territories and communities, extending their control formerly beyond their reach formerly beyond their reach or currently beyond their control" (Sieder 2002) in which race plays an important role in defining how "customs and traditions" are imagined. This chapter analyzes the vexing and multilayered processes of racial formation⁵⁵ that consolidate through rights discourses and its concomitant languages of "usos y costumbres". I specifically focus on the ways in which the Indigenous Court challenges hegemonic discourses, structures and racial sensibilities of non-indigenous authorities of the municipality. I argue in this chapter that at the local level, a global rights framework provided the Totonacs a language from which to disrupt local structures of dominance. Nevertheless, it was materialized in the Indigenous Court, an institution that provided the Totonac an important degree of state recognition that they wielded forcefully and in defense of their community, while paradoxically racially subjecting them.

In this matter critical race theorist David Theo Goldberg (Goldberg 2009a) points to the shifting modes of racialization in the context of the neoliberal regime. He argues

⁵⁵ Racial Formation Theory is an analytical tool within the social sciences coined by Michael Omi and Howard Winant. They argue that the significance of race is "always an necessarily a social and historical process" (Omi and Winant 1994)

that the shift to these forms of regimes resulted in the privatization of race, that is, he shows through distinct global cases how such restructuring allows for racial discourses and imaginaries in whichever way these may be articulated “to circulate as robustly as individuals or non-government institutions should choose in private” (idem). The dilution of race within the public sphere and entrenchment of this within the private sphere resonates with the Latin American and in particular with the Mexican multicultural state in that recognizing and incorporating indigenous rights, in their “sanitized” version, into the constitution delegitimized the continuation of the struggles for rights, eliminating the public forums and legal spaces of dispute (Speed 2007). Indeed, the private circulation of these racial sensibilities and discourses, outside the state realm, perpetuates racial formations that frequently reflect oppressive racial ideologies. Yet, these legal rights regimes provided even if limited legal tools to indigenous peoples and communities by and large living in regions with oppressive and unchecked Mestizo power. These fissures and rearticulations at the interstices of these socio-legal structures of dominance are the subject of my analysis.

Throughout the chapter I explore the many times the Totonac authorities of the IC, as a state and community authority, use the state’s structures to disrupt entrenched racialized power relations. These moments are not free of contradictions and paradoxes. I demonstrate how the indigenous authorities in their everyday exercise of an alternate jurisprudence vis-à-vis the Mestizo municipal court generated particular sensibilities within the Totonac communities regarding indigeneity which in turn established the basis from which to create an alternative ethics and moral order.

In order to situate and analyze the logics of the state-sponsored Indigenous Courts and its effects, I briefly map the legal terrain and logics that allowed these institutions to converge with larger global logics of power and capital. This overview of the larger structures helps situate the frame of action the Totonac are situated in. From there, I contextualize the legal and socio-political framework that allowed such institutions to be imagined and constructed within a national perspective. I explore and analyze the circumstances that triggered the IC installation in Huehuetla and the logics of exception that it embodied. The Indigenous Court is intrinsically tied to other institutions of municipal justice, which I briefly address through ethnographic writing. Lastly, I map the many examples of rupture: the IC's challenges to state power and achievements of justice, the Totonac's disruption of indigenous racial narratives, and the meaning of these actions within the historical context of the injustices the Totonac endured.

The Global Assemblages of The Indigenous Courts

The establishment of the Indigenous Court of Huehuetla in February of 2004 created complex political configurations unveiling the "perverse confluence" (Dagnino 2007) between the Totonac's struggle to achieve indigenous autonomy and the interests and needs of global capitalism. This highly visible confluence resulted from both the indigenous people's struggle for autonomy and self-determination and the judicial reforms needed for the North American Free Trade Agreement (NAFTA) to properly work. This section traces the global logics of multiculturalism and its institutions, like the indigenous courts, and the ways these institutions articulate national and local networks of power.

In order to deregulate the economy for the numerous free trade agreements, the Mexican state implemented important reforms in various sectors including the judicial branch. The judicial reform of 1994 sought to decentralize judicial powers in response to global market needs. One of the main arguments used to justify the decentralization was the need to eliminate institutional corruption to make the judicial branch more cost efficient. This would allow for the resolution of "conflicts of contractual and market rights in a swift, inexpensive fashion" (The World Bank cited in Durán 2001).

The reorganization of the judicial system in Latin America began in the mid-1980s. Boaventura de Sousa Santos argues that these reforms were "the new development model and the bases of good governance"(Santos 1999:50). From a global perspective, these reforms were implemented in response to pressure from USAID, the World Bank, the Inter-American Development Bank, the U.S. Department of Justice, the European Union and organizations such as the Ford Foundation. According to de Sousa Santos, "Latin America was an experimental laboratory for various legal programs which, since the 1990s, have expanded to Asia, Africa, East Europe and newly-independent countries" (Santos 1999:60). These reforms sought to replace the old structures and centralized legal systems established by the nation-states with new cost effective ways of conflict resolution. Specifically, they focused on mediation as an alternative model of resolving disputes as mediation is rooted in the legal foundation of the Indigenous Court.

In tracing the roots of mediation as a system of conflict resolution, Laura Nader (2002) shows how it was globally consolidated as a hegemonic legal system. This system was first introduced in Great Britain and the United States in the 1960s and 1970s as alternative means of dealing with the lack of court personnel. Secondly, it was

introduced as means of demobilizing and relieving social conflict within the context of the Vietnam War and the Civil Rights Movement (Nader 2002a; Poole 2006a). These legal systems ignored social justice and instead concentrated on promoting consensus as a more “efficient” form of conflict resolution. The ideology behind the establishment of mediation is "far more pervasive than the direct extension of state control," since it was more important "to prevent not the *causes* of discord but the *expression* of the latter" (Nader 2002b).

It was on the basis of this logic that Mexican mediation centers were established in September 2001, under the auspices of the Council of Juridical Initiatives of Latin America, affiliated with the American Bar Association and Freedom House. In Puebla, the World Bank and USAID participated in the formulation of the mediation centers and indigenous courts by providing technical and administrative assistance.

The Indigenous Courts of the state of Puebla, however, were not created only in response to these aforementioned global market needs and state neoliberal restructuring. These Indigenous Courts also resulted from social processes that overlapped and intersected these global dynamics. Specifically, the IC became a reality brought about by the Indigenous Rights and Culture constitutional reform passed by Congress in 2001. The reform allowed for states to apply constitutional modifications at their own discretion, creating the possibility of only partially applying the already limited package of indigenous rights. The state of Puebla recognized indigenous justice as an alternative means of administering justice, together with mediation, conciliation and arbitration (Terven 2005). Many states, however, refused to implement the 2001 reform.

Anthropologist Deborah Poole, speaking about the state package on indigenous rights, regards these constitutional ambiguities as a form of neoliberal governance. She explains that as the margins become ambiguous and are not clearly "legible" in terms of what the state recognizes as indigenous normative systems, it keeps these new jurisdictions "on the edge of legality" (Poole 2006b) and therefore under constant state policing. These forms of governance make it possible to regulate social dissent and any form of transformational politics that could affect groups in power. In addition, as pointed out at the beginning of the dissertation, neoliberal legal illegibilities⁵⁶ always create exceptionalism. As the different states of the federation applied fragments—if anything at all—of the Indigenous Rights and Culture constitutional reform, exceptionalisms emerged throughout the national, regional and local landscapes. These exceptions manifested as a multiplicity of assemblages that allowed global capitalism to work through distinct historical and socio-cultural formations. Yet, these assemblages, due to their malleable and porous qualities, contained spheres of possibility that allowed for subjectivities and political imagination that exceeded neoliberalized social imaginaries ⁵⁷.

From this perspective, then, it is important to analyze the different technologies through which the state acknowledges indigenous groups and organizations and the effects of these technologies on the everyday lives and subjectivities of the Totonacs. The Indigenous Court of Huehuetla was instituted as an exception in relation to the Indigenous Court of Cuetzalan as well as the rest of the Indigenous Courts of the state of

⁵⁶ I have borrowed the concept of "illegibility" from Deborah Poole who defines it as "the condition of ambiguity or ambivalence that characterizes certain domains created by the state" (2006b).

⁵⁷ At least in that particular juncture and time marked by neoliberal multiculturalism.

Puebla revealing the logics of exceptionalism of today's neoliberal governance. The IC of Huehuetla was "handed" to the OIT, an active and highly politicized indigenous organization. In the other cases with the exception of The Indigenous Court of Cuetzalan, the IC was simply an added room within the municipal building that rarely, if at all, serviced people. Thus, it is crucial to stress the way the effects and dynamics of illegibility generated in each Indigenous Court materialized through a distinctively applied and exercised Law of Indigenous Right and Culture, an issue that will be developed below.

The Indigenous Court of Huehuetla and Its National Assemblages

The Indigenous Courts that opened throughout the nation were the result of multiple processes that allowed for such institutions to be imagined and put in place. This section traces the various actors that were part of these national processes, their struggles and the underlying state policies that consolidated the Indigenous Court in Huehuetla.

In 2001, the Mexican Congress passed the Law of Indigenous Rights and Culture, yet it left to the states the task of deciding how to implement and exercise these rights. Of the 32 federal entities that make up the federation, only seven states actually reformed their internal civil and penal codes in order to accommodate this multicultural shift (Terven 2008). In 2002, the state Justice Tribunal of Puebla approved a decree for the establishment of Indigenous Courts in response to the reform of articles 2 and 17 of the Mexican Constitution. The former states that all persons have the right to justice in a full, prompt, and impartial manner and the latter states that members of an indigenous group

are entitled to exercise their normative systems in the resolution of conflicts in addition to the constitutional rights established in article 17⁵⁸ (Maldonado and Terven 2008).

The states of Puebla modified multiple codes, laws and bylaws to fit the Indigenous Courts, yet these modifications did not clearly specify the legal competences and jurisdiction of these courts, creating zones of juridical illegibility (Poole 2006a). This legal ambiguity disseminated to all implicated fields of the Indigenous Court ranging from administrative inconsistencies in payroll and distribution of office supplies to how non-indigenous authorities treated, perceived and imagined by non-indigenous authorities the Indigenous Courts through out Puebla. Yet, despite the state's convoluted structural and material formulation, some of the Indigenous Courts managed to succeed. Huehuetla's Indigenous Court is one of them. This institution emerged not only as the result of the state's multicultural policies, but also as a result of the indigenous organization of the region's long-term efforts to articulate the national indigenous movement. Particularly, in the year 2000, multiple indigenous organizations worked as regional platforms to prevent the government from passing the state version of the Law on Indigenous Rights and Culture. Some of these organizations emerged from a long genealogy of struggle in the region, like the OIT, while others were newly formed like the Totonac and Nahuatl Indigenous Organization (Unitona)⁵⁹. Throughout their

58 My translation: El artículo constitucional mencionado dicta que todas las personas tienen derecho a que se les administre justicia de manera pronta, completa e imparcial, y el segundo establece que las personas que integran los pueblos indígenas, además de gozar de dichas garantías constitucionales (Art. 17), en la solución y regulación de sus conflictos se aplicarán sus propios sistemas normativos (Terven and Maldonado, 2008).

59 This regional organization, which groups together several indigenous organizations, emerged as a result of a natural disaster which struck the region in October 1999, devastating the region and forcing the indigenous communities to organize in order to survive, particularly in light of the Mestizos' co-option of government support.

mobilization, these indigenous organizations cited their right to be consulted in decisions pertaining to their well-being as a people. They argued that the state government did not consult the indigenous peoples of Puebla as established in the 169 ILO Agreement. Furthermore, the indigenous organizations criticized the government for giving the state the option of applying indigenous rights reform as they please. They called the federal government's intentions to delimit the Indigenous Rights and Culture reform an excuse to "postpone the fulfillment at the federal level of these agreements"(the San Andres Accord) (Síntesis, October 13, 2000).

Despite these demands, the state modified its codes and bylaws to give way to the new state-sponsored indigenous institutions. In May 2002, in Cuetzalan, a Nahuatl municipality in the highlands of Puebla, the state government piloted the first Indigenous Court of the state⁶⁰ through an initiative of the Supreme Court of Justice. Two years later, in February 2004, the Indigenous Court of Huehuetla opened its doors. This later Indigenous Court however, had an exceptional path of consolidation and institutionalization.

Neoliberal Exceptions and the Huehuetlan Indigenous Court

The establishment of the Indigenous Court of Huehuetla is unusual; it was handed over to the OIT by way of the Councils of the Elders. The council of elders asked the state government for an Indigenous Court to redress injustices and violence in the Totonac community. It should be noted that OIT members had spent over a year publicly

⁶⁰ Today, there are five indigenous courts operating in the state of Puebla: Cuetzalan, Huehuetla, Tlacotepec de Porfirio Díaz, Pahuatlán, and Quimixtlán.

denouncing the aggressions and threats from the Mestizo land bosses in light of the upcoming municipal elections. A major catalyst was the assassination of Griselda Tirado Evangelio--a local Human Rights lawyer, member of the OIT and a long-time professor of the "Kgoyom" Center for Advanced Studies (CESIK).

The problem of justice aggravated with Griselda's murder, it was then that the communities and the organization mobilized to obtain an apparatus that would enable them to protect themselves from all the arbitrariness that existed. It was important for them to acquire an instrument that would allow them to defend themselves...⁶¹

Thus, the Indigenous Court was established in response to the OITs mobilization and its political ramifications in the context of the national press coverage of Griselda's assassination.

The multiple forms of participation and organization the Totonac communities experienced during the nine years of the Totonac local government administration provided the experience and legitimacy necessary to take on the Indigenous Court. Once the Supreme Court of Justice of the State of Puebla (TSJE) approved the petition, the OIT organized a traditional town assembly to discuss and vote for a judge who would bring justice to the indigenous communities. Don Manuel Aquino, the present judge, was elected indigenous judge on the basis of his many decades of service in the Totonac communities, including religious and political posts. But most importantly, Don Manuel Aquino knew the history of struggle of the Totonac people. Through Don Manuel, the OIT was able to maintain some control of the state sponsored indigenous institution.

⁶¹ Interview with Raymundo Reyna, OIT consultant and CESIK director, 2007.

Notably, Don Manuel refused to receive his official nomination in the government state headquarters per usual protocol. The state government acceptance of his refusal reflects the political leverage the Totonacs acquired throughout their struggle. The Judge demanded that the nomination be given to him in front of the people that had elected him, rather than behind closed doors far from his community. The Supreme Tribunal of Justice of the State of Puebla (TSJE in its Spanish acronym) acceded. This gesture is emblematic of how the Indigenous Court's inception carries multiple and overlapping exceptional dynamics characteristic of neoliberal assemblages.

Moreover, the state created even grayer zones of illegibility by handing over the IC to a political organization. The IC thus did not have a clear set of norms and bylaws as the effect of such processes and it here where neoliberal exception lies. The Indigenous Court secretary, a law student, spoke of his anxiety and confusion regarding the laws by which the Indigenous Court was established:

Nosotros nos enfrentamos con un gran problema porque en un primer momento el Juzgado Indígena tiene que resolver los problemas de acuerdo de los *usos y costumbres* y las tradiciones pero desgraciadamente el derecho consuetudinario no está codificado. No hay un reglamento. No hay nada. Entonces lo que hacemos aquí por lo la experiencia que tiene el juez pues rescata algunas costumbres pero más bien lo que rescata es como uso algo que pone en práctica pero además el Juez cuando hace sus resoluciones les pone un valor humano y eso es lo más importante (Secretario del Juzgado Indígena, 2006).

We are confronted with a great problem because on the first instance the Indigenous Court has to resolve problems according to *usos y costumbres* and traditions but unfortunately legal custom is not codified. No regulations have been established. There is nothing. So, what we do here is based in the experience of the indigenous judge who rescues some customs but more like they are used and practiced. But even more when the Judge makes a resolution he puts in them a human value and that is what is most important (Indigenous Court Secretary 2006).

Furthermore, the state handed over an institution with no sources of funding and no indication of who was to finance it: the local, the state or federal government and its array of institutions. The indigenous authorities had to struggle to get their paychecks (if they got them at all), to figure out which institution was responsible for the payment of the utilities, and just to figure out the administrative pillars of the IC.

This instability and illegibility resulted in a lack of a secure space in which the IC could work. A stark comparison with the Indigenous Court opened a year earlier in Cuetzalan, an ethno-tourist town, in where the state government provided a brand new building for the Indigenous Court. When the IC opened its doors, it did so in a small leased house contracted by the State Justice Tribunal. After a year or so, the owner of the property decided to end the lease due to the constant back payments and the confusion over who was responsible for paying the lease. The IC then borrowed the UNITONA's office to work in while the Tribunal found a rental space. Huehuetla does not have many buildings appropriate for commercial use; therefore, it was difficult to find a convenient space that would also meet the bureaucratic requirements for the state to lease it. However, the IC felt comfortable in this non-institutional space. Their political roots and pillars were more explicit than ever. They were once again positioned as an organic institution. The Indigenous Court was left in the UNITONA's space for almost a year.

This location was notably problematic in the eyes of the state and other external agents like the CEDH. The state human rights lawyers were hesitant to come to the new building. One of the CEDH lawyers explicitly said to me “the Indigenous Court is a state institution that is there to serve all citizens. By situating the offices in a space that is linked to political parties, as the OIT is linked to the left party, they are no longer a

neutral space.” The lawyer felt compromised by the possibility of being associated with a particular party or indigenous organization. Once again, these tensions over where the IC was situated tainted this space of grey, it delimited this as a grey zone, a zone of illegibility.

The legal ambiguity and illegibility the IC rested on allowed the indigenous authorities a certain degree of power. Yet, it also created a lot anxiety among authorities that they would be sanctioned as the boundaries of their jurisdiction were blurred. These grey zones however also allowed Huehuetlan mestizos constantly diminished, questioned and disregarded the Indigenous Court’s work, due to its lack of clear government structure and at times legal definitions. Such acts reinforced Huehuetlan Mestizos’ racialized notions of the Totonac and their related *usos y costumbres*. The Municipal Court(historically known as the Mestizo Court) analogous to the Indigenous Court, play an important role in disseminating racialized perceptions of Totonac people's *usos y costumbres* critically delineating the meaning of Totonac indigeneity and the rights imbued to them.

The Indigenous and Municipal Courts, therefore, are crucial in understanding how indigenous subjectivities are formed, negotiated and transformed. The Indigenous and the Municipal Courts of Huehuetla are principal sites of production of discourses and practices of law, rights and indigeneity. Further, these courts are antagonistic to each other and it is in this context that meanings of *usos y costumbres* are produced. Therefore, they impact everyday minutia and social conflict within the larger context of a hegemonic nationalist ideology of Mestizaje that saturates neoliberal multiculturalism. In order to understand the role of the Indigenous Court in the shaping of indigenous identity, I

briefly map out the distinct institutions in charge of administering justice and their relationship to the Indigenous Court in the next section.

The Administration of Justice in Huehuetla

In Huehuetla there are several institutions in charge of administering justice: the Municipal Court, the Indigenous Court working at the municipal and regional level, and the community Peace Courts⁶² (Juzgados de Paz) which work in the 11 communities that comprise the municipality. In addition, the state and municipal police whose task is to aid in the administration of justice each with distinct capacities and jurisdiction. The jurisdiction of the state police is regional.

In the 1960s, the community peace judges had their own community police body called *topiles* or *mayules*. These posts were designated by the community and were honorary. Today that figure is non-existent and works only within the church cargo system (sistema de cargos); thus, it has a very limited scope and has been redesigned to meet only the church's needs.

The Public Prosecutor and its sub-agency are in charge of prosecuting non-civil cases. The sub-agency's jurisdiction is at the municipal level and the public ministry's is at the regional level. The State Judicial Police, also located in Huehuetla, aids the Public Prosecutor. The State Human Rights Commission (CEDH in its Spanish acronym)

⁶² The Peace Courts (Juzgados de Paz) are the last rung of the federal justice system. These courts are run by indigenous local agents who are elected through a "terna", that is, the municipal government proposes three candidates for each community, which are sent to the State's Tribunal of Justice where the magistrates elects each of the community peace judges. While the OIT governed the peace judges were elected through assembly.

headquarters are in the nearby town of Cuetzalan. Depending on the season, a CEDH lawyer visits once a week or once every other week for an hour or two⁶³. Also, there are state institutions like the CDI⁶⁴ and indigenous organizations like the OIT who are in charge of aiding victims with such resources as translators, lawyers, human rights advocates, money and generally guiding citizens through the Mexican judicial system.

In México, small municipalities usually have only “preventative” police bodies⁶⁵. Nevertheless, Huehuetla, despite its small size, holds three distinct police bodies. Since the mid-nineties, in the midst of the Zapatista movement and the rise of the Totonac local government, the state judicial police and the state police established their headquarters in the locality. One of the main tasks of these forces is the policing of the Totonacs' daily activities, particularly of the indigenous organizations. As mentioned in earlier chapters, up to the 1970s Huehuetla was called ‘the slaughter house’ (el rastro), which is indicative of the unchecked violence in the municipality, particularly towards the indigenous communities.

The Indigenous Court and the office of the State Human Rights Commission weekly visits, created new institutional spaces from which to fight Mestizo land bosses, and the local and state authorities' abuse of power. In Huehuetla, the opening of the

63 The lawyers from Puebla City take weekly turns, and thus it is hard for community members to follow up, given the distinct engagement and knowledge of the municipal problematic possessed by each of the lawyers.

64 The CDI has an indigenous prisoner release program that also aids indigenous peoples throughout the country

65 According to Reames “Municipios only have preventive police, but not all do. There are 2,395 municipios; 335 have no police forces. There are 2,000 municipios with fewer than 100 officers, which implies that the police departments are not very developed and probably not very modernized. However, 87 of the largest municipios account for 68.7% of the preventive police at all levels of government, so some are quite complex.”(Reames, 2003:4)

indigenous court brought new dynamics to the administration of justice, particularly that which had been in the hands of the Mestizo land bosses for almost a century. New discourses were introduced on indigenous rights, particularly with respect to the right to exercise justice through *usos y costumbres*. This meant in part exercising justice openly and facing the Totonac communities, challenging state and local authorities and at distinct moments, disrupting racialized discourses on Totonac indigeneity. At certain times, the Indigenous Court did present itself as a challenge to the land bosses and to the status quo of the municipality. This shifted the Totonacs relationship with the state as well as with the local authorities. Nonetheless, the legalization and institutionalization of *usos y costumbres* allowed the state to embed imaginaries of legality and justice within local practices.

The Municipal Court and the Dominant Discourses of *Usos y Costumbres*

The Mexican legal system emerged from a long tradition of civil law, which emphasizes the consolidation and order of its system through legislation. Furthermore, the Republican Federation was consolidated under the liberal tenets of mestizaje. Yet in Mexico, ‘on the ground’, these systems are shaped by the everyday political culture of its inhabitants, which has long been established through alliances with the dominant official party (PRI). Nationally, the Mestizo political elite played a central role in creating and maintaining these alliances by handing out government posts to the Mestizo local land-bosses, including those that pertain to the system of justice. The local governments were

tied to these political networks resulting in decades—almost a century—of Mestizo domination. The Municipal Court emerges out of this historical lineage of power.

The Municipal Court is located in the first floor of the municipal building between the office of the National System for the Integral Development of Families (DIF in its Spanish acronym) and the municipal police headquarters. Therefore, the first floor is always inhabited by armed police officers. Government drivers and officials are also armed; they carry two-way radios and wear typical Huehuetlan Mestizo attire: dress pants or jeans with big, shiny, metal belt buckles, formal shirts and, usually, boots and a woven *sombrero*. The women as well dress in heels or formal dress shoes, skirts to the knee and, depending on age, make-up to signify their non-indigenous status.

The Municipal Court employees consist of the Municipal Judge, the local peace Judge (similar to justice of the peace), the sub agent of the public ministry and a secretary that these authorities share. All the officials are Mestizo males, most of them with very little experience in the judicial realm except for the secretary, who has twenty years of experience working within the municipality, ten of which were within the Municipal Court. He knows better than anyone the procedures and state formats needed to comply with the law.

The Municipal Court heard 792 cases in 2007. The majority of cases were related to disputes over records of property possession (*constancia de posesión*), contracts of promise of purchase (*contrato de compra venta*), testamentary successions certificates, property delimitations, and certificates of personal identity. The least common cases reported were damage to private property (*daños a propiedad privada*), trespassing,

separation, domestic abuse, abuse of minors, breach of confidentiality, one case of kidnapping (estupro y rapto), home abandonment (abandono de hogar), and child custody. The Municipal Court proceedings take place in Spanish, yet the secretary serves as the translator whenever the disputants speak Totonac. For the first four months of 2008, I had the opportunity to conduct participant observation in this court. During this time, there were only a handful of cases registered. The authorities spent many hours on the bench situated outside of office just ‘hanging around’ until someone required their services. These Mestizo state officials have a long history of privilege and power in the region, as I will explain below.

The genealogy of the state office speaks of the power relationships between the Totonac communities and the Mestizos. The family of the Municipal Court secretary has a long history of service and employment within the local government. The secretary has worked in several municipalities in the region, and his grandfather served as mayor of the municipality in the 1950s. The municipal judge as well is from the Mestizo families that established in the center of town during the early 1930s.

In interviews with the various Mestizo municipal and state authorities (public ministry agents, the municipal judge, state police), all participants indicated that they perceived the Indigenous Court as a dysfunctional institution. In particular, their understanding was that the Indigenous Court authorities lacked the knowledge necessary to run a court and felt that the government did wrong in opening such an institution. Commentaries like *“pobrecitos es que no saben”* (poor people they just don’t know) permeate the authorities' discourses.

These comments indicate a disjuncture between state law and *usos y costumbres*: a long established ideology that situates the law and legal thought as part of modernity and modern subjects, and traditions and customs to what is perceived as non-modern subjects like those of indigenous peoples. Such reasoning perceives these traditional legal practices and customs unreasonable for a modern society yet the lines between traditional customs and legal “modern” practices are not necessarily clear-cut. The genealogy of this divide in Huehuetla demonstrates multiple social and economic processes. The interview fragment below from the Municipal Court secretary speaks of this particular formation:

With respect to the Totonac custom of having to serve obligatory community service as a punishment for people committing some sort of petty crime has to do with a local government policy from way back when that applied equally to all Mestizos and Totonac. The problem here is that the people that repeated the same offense like being drunk in a public space were *my friends* here –as he pointed outside to the Totonac seating in the base of the statue outside the Municipal Palace. They—the Totonac—repeated these offenses because of ignorance so they were punished with *servicio*, which consisted of sweeping the plaza on Sundays after the market left (Mercado). The anger that the Totonac carry against us is that the Mestizos did not endure those punishments mainly because they were so embarrassed (*vergüenza*) to serve that they would rather pay 200-300 pesos. (Secretary of the Municipal Court, 2008)

Indeed, the vexing and multilayered meanings and understandings of *usos y costumbres* crystallize the shifting regimes and adjusting sensibilities. Yet, they also speak to the histories of exclusion and racial and economic oppression that the Totonac have endured, and the uneven entitlements that continue to this day. These forms of punishment are no longer practiced, yet they are claimed as traditional and part of the

Totonac community practice of service (*servicio*). However, as the above excerpt suggests, they were initially attributed to all inhabitants of Huehuetla. Moreover, it is important to point out that at distinct points in history, the local Mestizo governments also acquired free labor through these same practices. Not only did these practices work to carefully delineate the borders separating Totonac and Mestizo, but they also re-enforced preexisting class and race inequalities.

In a different vein, but through a similar logic, the investigating agent of the *Ministerio Público* (similar to Public Prosecutor) links rape to such *usos y costumbres* in a 2007 interview:

The main problematic is rape within family members and well it is a custom and practice that is thought of as normal...that is they are used to it (*acostumbrados*), those types of conduct are made common. (interview with Public Prosecutor June 2007).

In this formulation, custom as an indigenous pathology is a common discourse circulating among Mestizo authorities.

Moreover, the Public Prosecutor justifies its presence in the small municipality through such discourses. The phrase “they don’t know” recurred throughout the interview with the prosecutor. The legal incoherence of the Indigenous Court was central to his critique:

The advantage I see is that the Indigenous Court can solve problems exercising their customs and well people then don’t have to come here...the main problem is that there aren’t clear rules, and institutions cannot function that way...they cannot apply the law by analogy, I don’t know how they apply their punishments but a lot of people come here to

complain...if there are no clear rules it isn't possible to do justice...
(Interview PP 2007)

Off the record, the prosecutor spoke about the implausibility of the Indigenous Court given not only its lack of definition legally, but also because its ways of conflict resolution, according to their customs, would be damaging for the communities.

The interview fragments underscore the multiple meanings and understandings of custom and tradition within the Mestizos neoliberal imaginaries. While mestizaje is no longer the official and dominant state discourse, colonial and mestizaje racial sensibilities—that exclude and discredit indigeneity—circulate behind the closed doors of the offices they retain power over, outside the official state discourse.

The illegibility in the state's recognition of the Indigenous Court promotes an ongoing policing by other state agencies that view the Indigenous Court as an “illegal” place where, in their eyes, justice is not being served. Furthermore, in the next section, in light of the racialized discourses of the municipal authorities, I will briefly sketch the logics of the Indigenous Courts and some of the cases where the Indigenous Court was able to contest the logics of Mestizo power.

The Workings of the Indigenous Court and the Mestizo Logics of Power

As discussed above, the ambiguous foundation of the Indigenous Court converged with the history of struggle, organization, and the political project of the Totonac of Huehuetla in a manner that allowed for the construction of a semi-autonomous space of

justice. The workings of the IC differed from other multicultural state-sponsored Indigenous Courts in the nation because it was mapped onto pre-established semi-autonomous structures of organization.

The times and dynamics of the Indigenous Court are ever changing, depending on political national and regional junctures, agents collaborating with the IC, economic needs of the indigenous authorities, as well as ongoing political processes within the OIT. In the beginning, the IC functioned based on the needs of the community and the local indigenous organization (OIT), rather than those dictated by the state. Its structure followed previous forms of community organization, albeit in a limited fashion. For example, the indigenous judge worked part-time on religious feast days, given that he is an important religious authority. Also, as an important moral figure in the community, the judge was expected to be present when the indigenous organization hosted events or workshops. These practices reflect the Indigenous Court as a space that adapts to the community politics and dynamics rather than following the state protocol.

Later however, the IC shifted to a more rigid protocol dictated by the state. The CDI lawyer who had been following the Indigenous Courts in the state of Puebla would check on the courts, ask how they were doing and give instructions. One of the many times the lawyer came while I was present, she asked the indigenous authorities to keep more systematic records of the people they serve. She brought forms that contained several columns with the information they needed to gather: name, date, community, and reason for the visit, resolution, and documents extended. The state requested these numbers so that it could make sense of the court on its own terms. That is, the statistics rationalized and created knowledge of and for the state. This created a significant

imposition on the authorities who already had to do a lot of bookkeeping. Yet, the IC had no choice. Although the lawyer had no direct authority over them, and had been somewhat of an ally, the authorities did not hold the political clout needed to oppose these measures particularly in the context of the rapid fragmentation of the OIT. This is just an example of the shifting alliances, agents, discourses, and practices that constitute the life of the Indigenous Court.

Today, the Indigenous Court serves as a place where multiple meanings of rights of indigenous peoples are constructed in response to longstanding, exclusionary Mestizo hegemony. The Indigenous Court's legal jurisdiction is officially limited to Huehuetla. In practice, however, it serves and resolves problems from the distinct surrounding townships and even from the neighboring state of Veracruz. Likewise, the indigenous judge has managed to intervene, many times successfully, in conflicts between the Mestizo and Totonac regarding property boundaries. However, the problems that systematically affect the Totonac communities of Huehuetla, and which have profound, long-lasting social effects on its constituents, are directly related to the state authorities. This includes local government officials and the state police as well as the Mestizo land bosses who have had a history of conflict dating back to the occupation period. In this way the Indigenous Court, in the hands of core and legitimate Totonac indigenous leaders, became a central tool in the transformation of power relations in the region, particularly in relation to the Mestizo's stronghold over the local government. This section will ethnographically narrate the distinct cases through which the Indigenous Court authorities were able to bring justice to the Totonac communities and contest the status quo.

“Illegal Felling”

It is two o'clock in the afternoon. Two men have already stopped by the Indigenous Court to ask for *permisos* (permits) to cut trees. As they enter, they immediately greet the indigenous judge in a highly ritualized manner, pursuant to the Totonac manner for speaking to authorities. They remove their sombreros and shake the indigenous judge's hand. Then they ask him about his family and his health and maybe throw in a joke or two⁶⁶. Once the indigenous judge acknowledges them, they sit down in one of the six chairs facing the judge's desk. They ask about how to cut their trees without getting penalized. Both men want to cut trees to make planks (tablas) in order to build another room in their homes. The indigenous judge listens until the men are done explaining.

Over the years that I spent following different cases at the Indigenous Court, I was able to observe that when Totonac men came to ask for a tree logging permit or information, it usually had to do the expansion of their family: new children or new daughter-in-laws arriving, as Totonac family units conserve the extended family and patrilineal forms of organization. Therefore, when one of the men in the house marries, the daughter-in-law comes and lives with the family of the man. Another common explanation as to why they needed to cut their trees is simply for energy purposes: cooking and heating water. In the tree logging cases I observed, the indigenous judge asked for more information regarding which type of tree, where the trees were located and how the men planned to transport the wood to their homes. This time around was no

⁶⁶ This of course is a gendered space as Totonac women's interactions with the judge are more limited. They say hello, sit down and wait for the judge to speak to them.

exception. Once the men answered, the judge explained the state regulations regarding tree felling. Then he instructed the court's secretary to type up what is known as a "permiso". The permiso was a typed document, validated and stamped by the indigenous judge, which stated that the IC has knowledge of the men's intentions and that the wood extracted was destined for domestic purposes.

The permiso was a legal practice initiated early on in the IC, but it did not last long. The local Mestizo authorities condemned these permisos; they claimed it was beyond the Indigenous Court's jurisdiction to extend such permits, and that only the Secretariat of Environment (SEMARNAT by its Spanish acronym) was authorized to function in that capacity. The OIT and the Indigenous Court responded by calling a meeting with representatives of the state institutions involved in the conflict to solve the growing problem with the local and state police regarding illegal and legal tree felling. This was an urgent matter for the Totonacs as their everyday lives depend on this natural resource. The SEMARNAT and functionaries of the state government attended three meetings without reaching a resolution. Later, however, the state government, the state police and the PGR called a final meeting where the SEMARNAT compromised with the Indigenous Court to search for new legal mechanisms to better serve the Totonac community regarding tree logging with domestic purposes. It was settled that the Indigenous Court, instead of giving permisos, would inform the population of the tree felling laws and their rights and responsibilities via a generic document elaborated by the SEMARNAT. From that time on, the Totonac population that showed up at the Indigenous Court seeking a permiso or just simple information and guidance were given

this informative document. Yet, the Totonac people regarded the document despite that it clearly stated that it was an informative document as a permiso.



DELEGACIÓN FEDERAL EN PUEBLA

4 DE MARZO DEL 2005

NOTA INFORMATIVA.

APROVECHAMIENTO FORESTAL CON FINES DE USO DOMESTICO.

De conformidad con los artículos 7, fracción XLIV, 104 y 115 de la Ley General de Desarrollo Forestal Sustentable, así como en el Artículo 71 del Reglamento Vigente de la Ley, el aprovechamiento de recursos forestales maderable para uso domestico no requiere autorización alguna, entendiéndose por **Uso Domestico**, el aprovechamiento **SIN PROPÓSITOS DE COMERCIALIZACIÓN**, de los recursos forestales extraídos del medio natural en que se encuentran, para **USOS RITUALES** o satisfacción de necesidades de **ENERGIA CALORÍFICA, VIVIENDA, APEROS DE LABRANZA** y otros usos en la satisfacción de necesidades básicas en el medio rural.

Derivado de lo anterior, se desprende que la madera debe ser utilizada estrictamente para alguno o algunos de los fines antes señalados y para el autoconsumo del dueño o poseedor del predio o terreno forestal de donde se extraiga, y por ningún motivo puede ser comercializada.

Asimismo, el artículo 115 de la Ley General de Desarrollo Forestal Sustentable dispone que las materias primas forestales para uso domestico no requieren de ninguna documentación para su transporte.

En este contexto es de la estricta responsabilidad de quien lo derriba y/o lo transporte, recursos o materias primas forestales, el sujetarse a estos lineamientos para el aprovechamiento de recursos forestales para uso domestico.

Y EN EL CÓDIGO DE DEFENSA SOCIAL DEL ESTADO DE PUEBLA EN EL ARTICULO 198 I- DICE QUE QUIEN TALE DESMONTE O DESTRUYA EL BOSQUE O AFECTE DE MANERA ILÍCITA RECURSOS FORESTALES EXCEPTO EN CASOS DE APROVECHAMIENTOS PARA USOS DOMÉSTICOS CON FORME A LO DISPUESTO EN LA LEY GENERAL DE DESARROLLO FORESTAL SUSTENTABLE LOS CUALES SE MANIFIESTAN ARRIBA.

The document⁶⁷ underlines the legality of the use of timber as long it is used for ritual ceremonies, home necessities including heating purposes as well as for home improvement, construction and agricultural needs. Although it was clearly stated that this was just an informational document, the Totonac people continued to regard it as a permiso. The SEMARNAT document became an axis of tension and struggle between the IC and the MP, the state police and local non-indigenous authorities as such practices denied the state and municipal police the possibility of fining Totonacs as they pleased. Within this conflict, the Indigenous Court became a central tool for the Totonacs in their search for justice.

These tensions escalated in 2007, with a conflict between the Indigenous Court and the Ministerio Público (Public Prosecutor) regarding felling. The conflict involved the detention of four lumberjacks, contracted by two local Totonac men, to remove and cut trees that had been damaged by the municipal government. The municipal government was clearing a path in order to initiate the construction of a paved road that went right through the Totonac men's property. Several trees were damaged in the process, and the two men decided to take advantage of the situation and expand their homes. The local authorities were asking five thousand dollars to release the four lumberjacks. The lumberjacks had the IC's informational document and said that they had already talked with the indigenous judge, who had authorized them to start the tree felling. The four lumberjacks were detained and the local authorities were asking five thousand dollars to release the men. The two Totonac men responsible for contracting the

⁶⁷ Document provided by the Indigenous Court 2007.

lumberjacks reached out to the IC to intervene and clarify, as they believed they had already received a *permiso*.

The IC initiated a process of negotiation with the MP and assumed the responsibility and consequences of releasing the informative SEMARNAT document. The indigenous judge argued that the men in charge of hiring lumberjacks were cutting the trees for domestic consumption and furthermore, the judge argued that the local government had already torn down the trees with their machines when clearing the land for a road construction. Therefore, the lumberjacks were finishing up a job the local government had already started. The indigenous judge fought for the Totonac loggers until the fine came down to three hundred dollars. For the indigenous judge the Ministerio Público and the state police prosecution of Totonac peasants for cutting down trees for domestic use was immoral and represented the Mestizo ideology of privileging money:

No nos permiten extender constancias para aserrar madera para sacar como uso domestico porque a ellos (the authorities and local Mestizos) no les conviene porque ellos ya no pueden sacar billete de la gente indígena y a veces nos amenazan que nosotros si extendemos esa constancia nos van a echar culpa o nos van a multar porque no esta bien lo que estamos haciendo, pero no es cierto porque la gente indígena necesita su madera para construir su casa. Ellos saben cada cuando cambian su casa su madera. Pero ellos como que nos amenazan ya nos nos permiten que extendamos constancias (Permisos or informative paper). (indigenous judge, 2007)

They do not allow us to hand out any *permisos* (informative hand outs) to cut trees for domestic use because it is not in their interest (the Mestizo authorities and local Mestizos) to not be able to get money from the indigenous peoples and sometimes they threaten that if we hand out the permits they are going to blame us or they are going to fine us because they don't see well what we are doing. But it is not true because indigenous peoples need their wood to build their homes. They (the indigenous) know when is time to change the wood planks, but they threaten us to not hand out the *permisos* (informative hand outs). (indigenous judge, 2007)

The problem was resolved overall in favor of the community, thanks to the Indigenous Court. Nonetheless, the negotiations evidence the local non-indigenous authorities unwillingness to acknowledge the indigenous judge. The public prosecutor (MP) questioned the indigenous judge's authority to determine who could and could not make use of the wood resources. Going in to the conflict, the lawyer in charge of the public prosecutor portrayed the indigenous judge's judicial practices as illegal and misinformed. This escalated into a conflict between the local authorities as well as between the MP and the Totonac authorities. The later understood the conflict as the reflection of an ongoing broken and corrupt system of justice, which privileged the Mestizo population, and excluded and racialized the Totonac communities.

During my observations in Huehuetla, dozens of Totonac peasants sought advice from the Indigenous Court regarding the use of forest resources, particularly during the dry season March through May. The Court and its officials worked diligently to inform the community in order to tackle the confusion regarding the rights of the Totonac people, to contest the abuse of power by the local Mestizos as well as state and federal police and to legitimize the IC's authority and local knowledge of the Totonac people and their everyday practices.

During many interviews and *pláticas* in the field, I accompanied the judge as he conducted judicial procedures throughout the communities. The judge always emphasized the knowledge he possessed in comparison to the Mestizo authorities:

I know my people, and I know if José or Regino is a good person and if he is telling the truth. I know their work within their communities and if they are a person of good. I know if they are expanding their family and the like. I also

know if they are in need or if they are lying about it. How could I not help out a family that is cutting their trees to make their food and to warm up their home? The authorities know nothing about that as they don't live like us.

The fact that the IC actively contested the abuse of Mestizo power does not erase the fact that there is a large problem with respect to tree felling and logging and the need to regulate such activities. In general, however, the Totonac of the communities are not extracting the trees in large quantities to sell to the mill. Those people who come and illegally log truckloads of wood are “outsiders”. Many Totonac narrate how big trucks leave the region in the middle of the night loaded with precious wood, and the authorities rarely intervene. I have witnessed these trucks, as I would often take the bus from Mexico City to Zacapoaxtla, the entry point to the sierra, where I had to transfer multiple times before dawn to get to Huehuetla. It was precisely at dark when these trucks loaded with logs headed out towards the sawmills located in the region Tetela de Ocampo, Libres, Nauzontla, Zacapoaxtla, Ajalpan and the like. Many sawmills make high profits out of this illegal logging; it is reported that around 650, 000 hectares of forests are lost in the state of Puebla due to illegal logging⁶⁸.

The role of these tree felling memos play in the construction of indigeneity lies more than in relieving the social tension through state structures in the long-term creation of a legal consciousness based on the language of indigenous rights. The constant emphasis of the authorities on the rights of Totonac to cut their trees and the right to be informed of the laws surrounding tree felling certainly created particular legal

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http://www.sierranortedepuebla.com.mx/old/index.php?option=com_content&task=view&id=33&Itemid=4
1 last viewed in March 12, 2012

consciousness and new collective and individual subjectivities about what it means to be Totonac right bearing subject. Thus, even though the tree-felling problem has not been solved, the Totonac have far more tools and strategies with which to position themselves in response to abuses by state power and local bosses.

It is worth noting that these new Totonac configurations are not only delineated in relation to the state or the local structures of domination but are also shaped by the powerful discourses emanating from within the indigenous rights movements. The indigenous judge speaks of these new Totonac configurations:

They supposedly criticized us because according to them (the Mestizos) we were Zapatistas ... (the Mestizos) were afraid that we were Zapatistas ... several people criticize me for being a Zapatista ... when I walk past them ... but I don't answer back or say anything because indigenous people and Zapatistas fought to defend their rights, not because they are murderers but because they are defending their rights, like I am. Because no-one can say that I am worthless but rather we are the same, we are equal ...

The judge's narrative indicates the emergence of new identity constructions based on rights discourses. Yet, to understand these constructions, they must be explored in the context of the Totonac's history of exile and Mestizo occupation.

In the following section, I describe some cases where the indigenous judge contests Mestizo power bringing justice to the Totonac communities.

The Municipality, the State and the Signs of “Progress”

The IC has intervened in many cases regarding the construction of roads and water tanks in the municipality. The recent availability of grants and government funds earmarked for the modernization of infrastructure of the municipality and the region, has

allowed many local governments to improve and repair old roads and initiate the construction of new roads. The IC explains that the problem is not the roads but the fact that the authorities have not consulted the Totonacs about these projects, which ultimately affects them as these constructions cut through their lands. Conflicts arise because the Mestizo forms/logics of exercising power particularly through the local government. Historically the Mestizo government does not take into consideration the Totonac communities except for electoral purposes. Therefore, the construction of roads, clinics, schools and government institutions and spaces have been conducted without any input from the Totonac communities. Furthermore, the authorities have rarely asked for permission or warned people about the possible damage to their property, animals and overall communities. These practices have been in place since the Mestizo government occupied the center of Huehuetla in the early 20th-Century.

In this particular case heavy machines rolled through several Totonac families property without warning, demolished mature trees and destroyed coffee plants, dramatically affecting these Totonac's sources of subsistence and income. Magdalena, a member of one of the affected families, lives with her three sisters in Kuwikchuchut, a small community in Huehuetla. All of the women are mature and single, and make a living selling tortillas in the center of Huehuetla. All three are also active participants in the OIT. Magdalena tells me that the local authorities informed her that the digging was to take place. She immediately took the news to her sisters who immediately protested. They knew the long-term damage to the eco-system they lived in and the effects on their lives that such construction would bring about: Trash, noise, insecurity, water scarcity and pollution of the nearby water sources, etc. Further, they knew of many other cases

where the local authorities promised compensation in the event of any damage to their property but never followed through when this happened. The house and the surrounding land was their only asset. They did not own any farming land yet their lot was large enough to hold their Totonac traditional home, a place to keep their animals, a vegetable plot, and coffee plants. The three sisters cultivated produce and coffee mainly for personal consumption (autoconsumo). The coffee plants, a cash crop, were highly valued and a central income source within Magdalena's family. The money obtained from selling their coffee allowed them to purchase corn for their tortilla business. They lived in a fragile and precarious economic environment. Any subtle change could radically affect their subsistence.

Local authorities know well the situation of these women yet they continued to pressure for the authorization of the passing of the road through their property. Despite the women's refusal, the local government initiated digging and clearing the path to construct the road that would connect Huehuetla to Zozocolco, Veracruz. The damage to their property was evident. The sisters narrate:

Yesterday a piece of dirt fell near the kitchen and that is why we do not want them to enter. We have very little land and we know that they do not construct well the roads and they only disturb. Water exudes everywhere around here and it can be very dangerous. Yesterday dirt came into my kitchen and we got scared. We do not want them to enter (the municipal government to enter their property). The peace judge was the one that approved the project without consulting with the communities (Mayra Gonzáles, 2008)

Ayer, ya se cayó un pedazo de tierra cerca de la cocina y por eso no queremos que entren. Tenemos poca tierra y sabemos que no arreglan bien las carreteras y sólo hacen desorden. Por acá emana agua por todas partes y puede ser muy peligroso. Ayer entró tierra a mi cocina y tuvimos miedo y no queremos que entren...el juez de paz de la comunidad fue quien aprobó el proyecto sin consultar a los afectados (Mayra Gonzáles, 2008)

Because these women were active members of the OIT, the local and community authorities aligned with the PRI denied their pleas for help. Therefore, the women sought help from the Indigenous Court and the OIT, who initiated an investigation and negotiations with the municipal government. The municipal authorities denied any wrongdoing, so the case was turned over to the public prosecutor, who came took pictures and evidence to initiate a case. The damage was calculated in terms of the coffee plants, which Magdalena said to be seventy. The municipality agreed to pay seventy pesos for each plant, a price that does not reflect the real cost of the plant in terms of its yearly care, investment, or profit and the overall long term damage to their property and ways of life. When I left in 2008, the construction of the road was still on hold however; rumors were that the construction would go on with or without Magdalena's family's permission.

I brought this case last in terms to reflect the variegated cases that the IC tackles and also to show one of the many times this institution might prove unsuccessful. Yet, there are several components to this case that point to subtle changes in power relations and to the ongoing racialization by the municipal government (even if they claim indigeneity) towards Totonacs. Concerning the first point, the Mestizo authorities are accountable to other institutions and agents and thus are not able to arbitrarily open, close, or take down roads, springs, traditional paths, communal spaces and just overall decide 'development projects' projects without being questioned. Maybe this time the IC was not successful, yet until then it was unresolved, but the legitimacy and efficacy of the IC to do justice for the Totonac is undeniable. Second, this conflict initiated in 2003 and was on going while Totonac Pedro Rodriguez was in office. This indexes, his undeniable

emulation of a Mestizo PRI government only further entrenched racialized Mestizo forms of governance.

A similar case happened in Caxhuacan, a neighboring municipality officially outside the indigenous judge's jurisdiction. A man came to the Indigenous Court to lodge a complaint regarding road construction on his property. He initially went to the municipal authorities of Caxhuacan, who redirected him to the Indigenous Court of Huehuetla, as they did not have any knowledge of the road construction. The man then came to Huehuetla, hoping the authorities would pay him the damages done to his property. In particular, two pepper trees and one mamey tree was torn down, the central source of his family's income. The Indigenous Court advised him to directly file a *queja* (complaint) with the State Human Rights Commission, which he did. He was hopeful as he had resolved other problems with the State Human Rights Commission and had good recommendations from the Indigenous Court.

The Indigenous Court did not directly act in this case yet the importance of claiming and exercising Totonac authority informs how Totonac indigeneity is being construed. A central aspect is the legitimacy and authority that the Indigenous Court has acquired over the past four years, not only within the municipality but also within the regional Totonac communities. The successful and ongoing intervention of the Indigenous Court in cases that have to do with abuse of authority allowed for such a reputation in the Totonac region. Further, in each exercise of authority the IC expands and creates Totonac indigeneity.

The cases in this chapter illustrate the ways IC has acquired legitimacy, authority and power over the course of its life. As we have seen throughout the ethnographic cases

of the IC discourses emanating from the state regarding rights, laws and norms —the central tools of state power—are principal in shaping indigeneity (Speed 2002 and Jung 2008) but not necessarily in the shape or form the state imagines. These formations always exceed the state, or produce excess (Poole 2006a). The illegibility of many of these multicultural legal arrangements presents a double-edged sword for indigenous peoples struggling for indigenous rights: multicultural racial sensibilities map onto older racial arrangements and the legacy of colonial and mestizaje politics. Lastly, it is important to underscore the importance of these acts of resistance and contestation particularly given what it is at stake for the Totonac: eliminating the ongoing violence the communities have suffered with the Mestizo in power. In the next chapter, I analyze the IC exercise of power in the community realm and the way *usos y costumbres* is invoked and practice inwards, within indigenous constellations and ways of being.

CHAPTER 4

THE JUSTICE OF *TUMIN* AND THE TOTONAC CONTEMPORARY PRACTICES OF “*USOS Y COSTUMBRES*”

In the previous chapter, I analyzed the multiple and vexing effects of the Indigenous Court's discourses and practices of what is termed *usos y costumbres* with respect to the social relations between Totonacs and Mestizos. I emphasized the impact of global languages on rights and how these map onto local structures of power that ultimately destabilize longstanding colonial discourses and racial sensibilities of indigeneity. In this chapter, I map the effects of these processes in Indigenous Court, how they inflect the everyday discourses and practices of *usos y costumbres* in the lives of the Totonac people of Huehuetla. Discerning the effects of such discourses is no easy task, particularly when these languages and practices operate on different scales, spaces, and among multiple agents that range in age, sex, and class as well as within distinct genealogies of struggle. Although not all Totonacs go to the IC, the effects of the languages and practices of this institution reverberate through the Totonac community as a whole. The court is where *usos y costumbres* articulates with notions of human rights and larger global struggles.

Such transformed mobilizations of *usos y costumbres* are held in opposition *la justicia del tumin*. The latter is from the Totonac perspective the justice of the money, the justice of Mestizos, almost as if money had lifelike qualities to it. The term is found among indigenous authorities, and within the Totonac communities' sensibilities,

imaginaries, understanding and knowledge⁶⁹. This understanding is one of the many pieces that make up the web of signification surrounding Mestizo and Mestizaje as a hegemonic ideological frame of national belonging. *La justicia del tumin* embodies ethno-racial privileges and power that reaches toward whiteness and hold oppressive power towards ethnic others.

I situate the Indigenous Court and the indigenous authorities at this intersection of state power, global processes of neoliberalization, subaltern knowledge production and decolonial logics and practices of communality. In other words, the Indigenous Court is the field of struggle from which power relations are played out today. It is from this place I argue that the Indigenous Court, as a symbolic and material field of force, inaugurate collective processes of self-recognition and reconstitution of Totonac knowledge and worldviews in their everyday judicial practice, from within the spaces carved up in the processes of multiculturalization and despite the on going hegemonic logics of Mestizaje. These collective processes were set in motion first through the everyday practices of what is understood as “traditional” justice or justice according to *usos y costumbres*, and second through the re-articulation of discourses of rights emanating from different agents such as the state global actors, and the national and international indigenous movements.

Throughout this chapter, I use ethnographic narration to demonstrate how the Indigenous Court challenged and transformed the highly racialized relationships of power between state government and Totonac communities, but also within the communities, by creating a venue and a space that allowed Totonac men and women to recreate and re-

⁶⁹ The law of *tumin* was a recurring narrative throughout my fieldwork: *La justicia es para quien puede pagarla* (Justice is for who can pay for it).

imagine past practices according to contemporary needs. I show how the Indigenous Court generated processes of self-recognition through communal justice and everyday legal practices, and through the local appropriation of languages of rights. I show the ways that this appropriation served to rearticulate practices of *usos y costumbres* in novel ways. Thus, in the last section of this chapter, I analyze the challenge the indigenous authorities faced and continue to face in their practice of justice from within a state institution that has embedded the coloniality of power in every thread of its fabric. In other words, these processes are not seamless and smooth but rather uneven and contradictory.

This chapter is organized in three sections. The first section develops the framework from which to understand Totonac perceptions of justice. The key referent of *justicia del tumin* is explored vis-à-vis justice according to Totonac traditions and customs. The second section traces the recent history and pillars of the OIT's indigenous rights discourses and mobilization, and the way the IC has inserted itself within these processes. This context allows us to understand the emergent global and local perspectives on indigenous justice that circulate throughout the Totonac communities and organizations. Lastly, through three ethnographic case studies, I show the complexity of the Indigenous Court's practices and the multiple ways it produces knowledge and relations that potentially disrupt neoliberal tendencies of rights discourses. I conclude with a brief reflection on decolonization and the creation of the IC as an institution based on local values of justice.

An/other Justice: *El Tumin*

It is hot in the courthouse. There is no breeze coming in. It feels stale and humid. With the thermostat pushing 102 and a high index of humidity, we melt. We step outside to breathe and cool off. The colonial building where the courthouse is located—which is actually the office of the OIT—sits at the top of a hill from which we can see the chain of mountains that makes up the majestic highlands. It is early in the afternoon but it is one of those slow days where just a few people have stopped by the court so the authorities decided to break for lunch. Don Sabio, the representative for the council of elders, had collected money from all of us to buy lunch. This was customary, but we would take turns doing the shopping. Don Sabio was out buying tortillas, *panela* cheese, a can of rajas—sliced jalapeño chiles in vinegar—some pork rind, and a bottle of Coca-Cola. Finally, we sit down to eat. Don Manuel starts kidding around as he always did, even if he was discussing a serious matter. His words however, never go unnoticed; he is after all the indigenous judge.

Today we were talking about the man who had stopped by in the morning asking for advice. The Totonac man and his son, a child, had been stopped and detained by the ministerial police for carrying fireworks. He had explained it was for the town's saint celebration, but the police argued it was illegal, and proceeded to take hundreds of dollars worth of fireworks. They took him to a small room in the Public Prosecutors office. While in custody the ministerial police prohibited them from speaking Totonac because they did not understand the language. The police asked him for three hundred dollars. The Totonac man offered them fifty. They then threatened to send him to the district jail

in Zacatlán, where he would have to pay six hundred dollars to get out. In the end, the man sent his son to get the three hundred dollars, which he had collected from the community and the church to pay for the patron saint celebration. After hearing his case, the judge had advised him to go to the Human Rights Commission. Don Manuel coordinated the meeting with the HRC. There, the case was resolved: the man got back his fireworks, but only two hundred dollars of his money.

After talking about the fireworks case, the indigenous judge started talking about the dynamic in the municipality and the meaning of justice for him:

Si, así porque quieren puro “tumin”. Porque el que comete error entonces ofrece dinero para que no lo castigen y el que hace su queja también ofrece dinero para que le haga justicia...este código (le pega con su mano al código civil) las autoridades hacen como negocio no es porque hay leyes que nos defienden pero las autoridades lo manejan como negocio. Un poco difícil.(Juez Indígena, Don Manuel, 2008)

Yeah, because they only want *tumin* [money]. Because whoever makes a mistake offers money so he does not get punished. And the person that comes to complain also offers money to have justice served. That is not justice. [*As the judge hits the civil code*] This law, the authorities use it as a business. It is not that there are not any laws to defend us, but that the authorities use them as a business. It is very difficult.” (Indigenous judge, Don Manuel, 2008)

Justice is a central demand within the Totonac struggle and it is one that is long overdue in a municipality where the laws that rule served only the powerful. The establishment of the IC, run by the OIT, allowed hundreds of Totonacs throughout the region to have access to justice and to contest and create a new form of thinking about justice, equality and liberty.

The Indigenous Court initiated in 2004 a justice project with a scope that reached well beyond its established core and the state limitations. This was an exceptional state

institution in comparison to the other indigenous courts throughout the state and nation. The IC is crucial space, as the Totonac struggle for power through electoral means has in the last years proved unsuccessful⁷⁰. The basis that has sustained the Indigenous Court despite state neglect and practices of erasure, as previously argued, was the OIT and its long history of political organization and mobilization. Totonac leaders and the Council of Elders first imagined this institution as a place where fragmented communities could be restored and politically organized in the context of a rapidly decaying economy and political and social violence.

The Indigenous Court, as a municipal space, brought together the aspirations and diverse projects of distinct Totonac leaders and regional organizations regarding indigenous rights and justice. Many aspects of these ongoing projects were worked into the logics and structures of the IC, but many more remained mere aspirations. One of these as of yet unrealized projects is the formation of a communal police force, drawn from the elders' oral histories and knowledge of the *Mayules* (communal police), which had played an important role within the traditional cargo system. Aspirations such as these map onto historical and cultural forms that older Totonac vividly and nostalgically remember and pass along through oral histories. What is remembered is not the figure of the *Mayul* per se but the communal logics of service this figured embodied, the ethics of work and labor, and the social structures through which power transited and disseminated. These older structures were not perfect, of course, but they distributed power in a much more horizontal form. The aspiration for a police system is also shaped

70 The political parties were not longer an alternative. The PRD, the left party, no longer coincided with the ethics and spirit of the Totonacs project for autonomy.

by contemporary indigenous movements like that of the Zapatistas' autonomous regions and the Communal Police of Guerrero, both important influences on the Totonac's imaginary and political practice.

Ahora ya no están trabajando las tradiciones como antes. Los Mayules ya no funcionan, ahora ya no hay nada de eso. Antes había policías o cuadrillas que eran encargados de invitar a los faineros (para hacer faena, trabajo colectivo). Ellos ya se hicieron a un lado porque ya no ganan. Ahorita el juez (municipal) aquí ganan dinero como el PRI. Los policías trabajaban con el juez para entregar citas o avisos, ahora ya nos aceptan (entregar citas o avisos). Todos quieren ganar. Ahora el juez ya no busca a su policía porque no les quiere pagar. Por ejemplo el juez de Xonalpu tiene un sueldo y no lo quiere compartir con su policía. (Entrevista colectiva Consejo de Ancianos traducido por Hilaria)

The traditions are no longer working like they used to. The Mayules no longer function like before, there is nothing like it today. Before we had police, or cuadrilles, that were in charge of organizing and inviting the people to work collectively. They no longer work because they do not get paid. Like the municipal judge now earns money like the PRI. The police used to work with the judge to deliver court notices and warnings but now they do not accept that work. Everybody wants to win money. Now the judges (community judges) do not want to look for their police members because they do not want to pay them. For example the community judge (peace judge) has his salary and he does not want to share it with his police." (Focus group Totonac Elderly Council translated by Hilaria)

This passage speaks to more than just the Council of Elders' nostalgia. The elders talk about the way they are experiencing the abandonment of collective forms of organization and the concomitant ethics of work behind it that so strongly is said to define Totonac indigeneity: Totonac by definition is someone capable of working from "sun to sun" (Interview indigenous judge, 2008). This passage also underscores how these shift and logics of organization are being perceived. The elder's iterations underscore the importance of the indigenous justice project and its relationship to la *justicia del tumin*.

During my fieldwork in Huehuetla over the past decade, the ethics behind *tumin* was a concept/idea through which the Totonac expressed their difference with the Mestizos. Specifically during my last fieldwork season, *la justicia del tumin* became a central theme of conversations about justice and injustices in the municipality. *La justicia del tumin* describes justice according to values based on monetary and individual values, in opposition to Totonac justice. Totonac justice, in contrast, is understood within the logic of restoration: mending wrongs through work or service to the family or the community as whole. I situate Totonac notions of justice and its concomitant communal practices to what Zibechei calls “non-state forms of power” because “they are not separate nor divided from society i.e. they do not create a separate group in order to make decisions, to struggle, or to deal with internal conflict” (Zilbechi 2009). In this particular case, “non-state forms of power” is what the Indigenous Court implements and practices. This justice is not evenly in space and time but in the everyday practices of justice as communal wellbeing.

Non-state forms of power are also relevant for larger issues of neoliberal power and the fissures and horizons of possibility within it. Not all multicultural state-sponsored institutions were as successful as the Indigenous Court of Huehuetla. The Huehuetlan Indigenous Court worked successfully, particularly in relationship to the rest of the indigenous courts of the state of Puebla, with the exception of Cuetzalan which will be not touched upon right now, because it rested over a long trajectory and carefully nurtured local knowledges and local forms of organization. This is a central vector that makes the Indigenous Court in Huehuetla exceptional given the Totonacs' potentiality of intercepting, maneuvering the fissures emanating from the always incomplete power of

the state. Although the state tried to institutionalize the IC as its own and craft it to serve its needs⁷¹, state forms of domination are not totalizing. The Totonacs capitalized on the potential for intercepting and maneuvering the fissures emanating from the always-incomplete state power. The Totonac experience is a great example of the possibilities and impossibilities of neoliberal power. As I argued before, the IC's success is rooted in their experience as a municipal government in the 1990s. This is the subject of the next section, the history of rights claims, discourses and appropriations.

Nuestra Justicia

The pillars of the Indigenous Court and its concomitant discourses on justice emerged out of many years of indigenous mobilizations, local and national workshops around rights and community assemblies where needs and aspirations were mapped. This entailed the sweat and hard work of women and men that had to walk for many, many hours before sunrise through steep hills and deep cliffs to get to these workshops, meetings and assemblies, sometimes carrying babies on their backs, sometimes with shoes, sometimes without them. It entailed women working for hours at night and early in the morning grinding corn, chiles and nuts in the *metate* (*traditional mortar used for grinding, dating back to Mesoamerican technology*), beheading and cleaning chickens. Many women patted corn dough to make tortillas, others turned them over burning

71 Nonetheless, despite the limitation and at times inoperative structure of many of these state sponsored institutions, they allowed for indigenous people's most pressing issues to be somewhat visible. Today the state is no longer occupying and mediating indigenous structures in the same way it did at the beginning of the century. Today security discourses overshadow any state multicultural impulse. The effects of this shift is still to be seen however, when "traditional" indigenous institutions (discourses and practices) are back in the hands of indigenous peoples.

flames while thick smoke emanated from underneath the *comal*. Others washed dishes and made other preparations for the meals to be served at these events. It entailed the work of many men going out in *cuadrillas* (*organized groups of men*) to cut firewood or to bring tables and the like to the event location. Many men and women as well prepared prayers, detailed sermons and rituals to welcome and bless the attendees. Traditional dancers, like the *Huehues*, spend nights practicing and preparing for the ritual dances to be performed during the religious ceremony. Over all, the Totonac communities' organized work that often goes unrecognized. These cumulative experiences of organization, theorization and knowledge-making are at the core of the indigenous justice project, even though they are not formally structured or codified.

In many of the interviews that touched upon themes of traditional practices of doing justice as well as “traditional” forms of community organization, Totonac interviewees always referenced the time when they were in government (1989-1998). They spoke of previous decades only when I specifically mentioned past events like the 1940s Totonac occupation of the Municipal Palace. This points to the central place in the Totonac imaginary of what Totonaqueidad looks like in past-present tense.

During the Totonac administration, the Municipal Court worked in tandem with the Elderly Council and in particular with the Community Judges (*Jueces de Paz*). These were manifestations of pre-existing communal mechanisms modified for the municipality now in hands of the Totonac⁷². The municipal indigenous government and its institutions situated the logics of communal work at the heart of their government ethics. The *Jueces*

⁷² Indigenous normative systems are articulated within state forms of governance, but this municipality has largely maintained its particularities in relationship to the Totonac's genealogy of struggle.

de Paz had a central role in organizing communities and functioned as mediators between the municipal government and the local communities. Because the indigenous authorities were in charge, the municipal courthouse could be run according to the OIT's project of indigenous government.

After 1999, once the Mestizo government took back the municipality, the OIT functioned as a parallel government. In practice, the OIT operated as a mediator of state resources between the Totonac communities and the state government in the traditional corporate political culture style. The organization would obtain steel sheets for the roofs, construction materials to pave kitchen dirt floors or to construct a collective water register, buy chickens or pigs, wire mesh to contain their farm animals, and the like. These were not only state resources but also resources from NGOs and other non-state institutions that the OIT was able to acquire and channel to the communities. As a legitimate authority, the OIT also provided resources to help its constituents navigate the extremely racialized state bureaucracy. For example, they trained young men as human rights promoters/observers whose task was to accompany community members through various judicial processes. The organization kept distinct cooperatives and shops that provided services and resources for Totonacs: staple foods store which sold goods at cheaper prices, a traditional medicine store that also kept a medicine man handy, an arts and crafts cooperative that sold traditional women's clothing like *fajas de telar*, a *tortilleria*, and a bodega to store local produce destined for the market like coffee crops, mamey, pepper, etc. The OIT also negotiated with the state regarding housing, agricultural loans and grants, and the like.

The OIT was inaugurated less than a year before presiding over the municipal government, so the organization was largely organized while it was in power. Thus, the organization had to rearticulate its position, platform and discourse once it was no longer in power. After losing the elections, the OIT shifted its focus shifted to the indigenous rights movement at the state level. This move promoted Totonac and Nahuatl leaders to organize their communities around indigenous rights issues. While these were not new processes, it took on a heightened urgency now that the OIT was no longer in power.

In 2000, in the context of the Columbus Day commemoration, a statewide coalition of indigenous organizations and non-indigenous rights advocates mobilized to denounce the state's intention of elaborating an indigenous rights law without consulting the indigenous peoples that made up the state. Their petition was intended to pressure the state to elaborate a rights framework that complied with the federal government's formal agreement with the nation's indigenous peoples: The San Andres Accords. This petition was triggered by the Zapatista nation-wide mobilization "La marcha del color de la tierra" and the government of Puebla's initiation of a public referendum to create an indigenous rights state reform. The indigenous organizations throughout the state complained that they were being set up, since the state government did not open a forum of discussion and instead distributed a survey with fixed questions and answers. Indigenous organizations from the state demanded an open forum that gave indigenous communities the power to set the agenda according to their necessities and desires, and not the other way around.

These mobilizations were translated into local regional forums on indigenous rights. These forums resulted in the 2001 Indigenous Rights proposal that was sent to the

state congress on behalf of the indigenous peoples of Puebla. The proposals were crafted in the spirit of the San Andres Accords as well as the article 169 of the International Labor Organization. In 2003, Huehuetla hosted the first Congreso Estatal Indígena (Indigenous Congress); indigenous peoples from all over the state assisted with various workshops: corn and territory, self-government, education from the perspective of *Comunidades Originarias* (first nations) as well as plenaries and presentations on indigenous rights. Thereafter, many more workshops and booklets on indigenous rights in the Totonac and Nahuatl language emerged with the objective of informing and educating communities on the subject and the ongoing national and local struggles. The objective was to create a unifying discourse around the rights of the Totonac people.

These workshops slowly shifting towards issues of access to justice took place within a larger context of civic unrest: the amplified political violence due to the upcoming local elections and the concomitant assassination of human rights lawyer Griselda Tirado Evangelio, the opening of the first Indigenous Court of the state of Puebla in the nearby Nahuatl municipality of Cuetzalan in the midst of the political impunity in Huehuetla, and the state of Puebla embracing the state sponsored multicultural indigenous rights reform.

In light of these events, the focus of the workshops gradually shifted towards issues of access to justice and the need to clearly articulate the project of indigenous justice. The result of these workshops can be seen in this text where the organizations sketched out the value of traditions and customs in the everyday lives of the Totonac people and the role of the Indigenous Court in reconstituting them. Therefore, the

following document was printed by the indigenous organizations of the region represented in the UNITONA, including the OIT, and distributed throughout the region:

El Valor de Nuestros Usos y Costumbres

De los Pueblos Indigenas

La siembra, la ropa y nuestra lengua maternal nos identifica.
El trabajo, el servicio, la faena, la mano vuelta.
Formas propias de organizacion comunitaria.
El respeto a las personas y la Madre Tierra
Sabemos producir nuestros alimentos.
Normas propias de aplicar nuestra justicia.

Justicia

La educación, el respeto, y la transmisión de valores nace desde la familia.
El Acuerdo es fundamental para la resolución de problemas.
La reparación del daño es un valor principal para la solución y el castigo de delitos.
Los ancianos determinan y solucionan los problemas.
Tener un juzgado indígena es garantía de nuestros usos y costumbres.

Política

La Asamblea General del pueblo es la máxima autoridad para la toma de decisiones
Como indígenas tenemos autoridades tradicionales(consejo de ancianos)
El bastón de mando es simbolo del poder, respeto, reconocimeinto y aceptación del pueblo.
(se entrega a quien es realmente digno de asumir un cargo).
Tenemos nuestras propias formas de organización social a través del servicio y tenemos
Comisionados, Consejos Comunitarios, Comité de Impartición de Justicia.
Los partidos solo dividen a la comunidad, como indígenas la elección de representantes
No es a través de los partidos.

Un Gobierno Indígena

No roba al pueblo
Conoce la justicia y el servicio
Conoce las necesidades del pueblo.
Conoce el trabajo de comunidad
Hay comunicacion, entendimiento y diálogo con el pueblo.
Toma en cuenta y camina con los usos y costumbres del pueblo.
No hay promesas, ni campaña en elección de representantes del pueblo.
La persona indígena totonaca piensa, siente y actúa como totonaca para ayudar a su pueblo.

UNITONA-OIT-OIIA-SHASTI-TALTZI-XANAY-TIYAT
CIUEMAT CIUEMAC-COFLOVER-INDIT

The organizations also felt that they needed to elaborate a blueprint of what this proposed institution should look like. Given the likelihood of the state actually meeting

their demands, Totonac leaders were sent to learn from the experiences of the neighboring municipality of Cuetzalan and their newly opened Indigenous Court, as well as from the Community Police (Policía Comunitaria) of the state of Guerrero. Guerrero was known to have successfully initiated an autonomous system of justice, which was later recognized, even if unwillingly, by the state government.

At the outset of their petitioning campaign for the opening of an Indigenous Court, the OIT proposed for the post the human rights lawyer Griselda Tirado, who months later would be murdered. The Superior Tribunal of Justice of the State of Puebla (TSJE) did not accept the nomination, as she was not a Totonac and therefore was not deemed knowledgeable of Totonac traditional customs. The president of the TSJE Pacheco Pulido, responsible for the envisioning, creation and legal foundations of the Indigenous Courts in the state of Puebla, wanted an “authentic” Totonac to represent the IC of Huehuetla. Don Manuel, the indigenous judge, narrates:

No recibieron la propuesta de Griselda porque les dijeron “porque ella nada más ha preparado por sus estudios pero no conoce el servicio del pueblo y lo que nosotros queremos es un ciudadano que conoce los servicios y que conoce la *costumbre* y pues ella tiene estudio pero no tiene servicio...y eso es lo que queremos nosotros...así que vayan a pensar a quien van a elegir y en cuanto lo tengan enseguida les hacemos el nombramiento (Entrevista Juez Indígena 2004).

They did not receive the proposal of Griselda Tirado because they told them “because she has only prepared with studies but she does not know of traditional community service, and what we want is a citizen who knows traditional service to the community and knows about the customs and well, she has studies but no service and that is what we want. So, go back and think whom you are going to propose [with those characteristics] and as soon as you have a candidate we will make the appointment (Indigenous judge interview 2004).

Griselda Tirado had a strong knowledge of the law and in particular of human rights. She also had a long trajectory among the Totonac communities, which was

considered a threat to the local and state authorities with economic and political interests in the region. It is in this context that members of the organization proposed Don Manuel Aquino and Don Juan Manuel, and later the popular assembly chose a judge. Don Manuel was chosen as the indigenous judge of Huehuetla.

The process of electing the indigenous judge took an interesting twist as the municipal authorities competed to bring the IC under their control. They also had a candidate chosen. However, they did not have the language or the organizational structures that the OIT had nurtured over twenty years within the indigenous movement. It was important for the state to gain national legitimacy with the multicultural legal reform, while diminishing the possibilities of an explosive confrontation among local land and political bosses. The Indigenous Court initiated its work with the full support of the OIT and regional indigenous organizations like the UNITONA. I had the chance to interview the indigenous authorities, and supporting allies, at distinct moments and phases of the IC⁷³. The indigenous authorities' discourse shifted in time due to the strained relationship with the state government because of its outright neglect of the IC, and the direct confrontation with the local authorities because of the Mestizos' constant dismissal of the IC, and because of the everyday challenges running an institution entails. I will explain this situation further along.

The tasks and objectives of the IC were defined through the OIT. At my first interview in 2004 with the authorities of the Indigenous Court, the president of the OIT, UNITONA, and advisors of these organizations close to the Liberation Theology church,

73 Since the opening of the IC, I had the privilege of following the court's steps and whereabouts up until 2008; thus I was able to see the distinct phases and shifts in discourse.

a representative of the Council of Elders, the judge and secretaries of the court were present. A unified discourse with respect to the Indigenous Court was visible. The conversation was mainly between the judge, secretaries, president of the UNITONA and the advisors. The council of elders rarely spoke. All of the interviewees present were excited; there were many projects on the horizon ranging from creating their own police, to training the community judges, to reactivating the Totonac organization using the IC as a political platform. The tone was a victorious one; it was understood that the court was the fruit of their struggles and thus, their court. The institution was to be run according to custom:

... deberemos revalorar la función de los *topiles* (Mayules) como policías comunitarios y darles nuevas tareas. A partir de esto se podrían establecer mecanismos de coordinación con las diferentes instancias como los Ministerios Públicos y las diferentes policías que se hallan en el municipio (estatal, municipal y judicial).

Para que el Juzgado Indígena pueda funcionar es necesario tener un soporte...ese respaldo lo hallamos en nuestros órganos de procuración de justicia tradicionales, por eso está aquí el Consejo de Ancianos, y el comité de impartición de justicia de la OIT. También la representación de la UNITONA y los asesores de la OIT y de algunos Consejos Comunitarios. Todos juntos tendrán que respaldar las iniciativas que tengamos y ayudar a orientar el camino del Juzgado Indígena.

... we need to revalidate the jobs of the *topiles* as community police and give them new tasks. From there then we can establish mechanisms to coordinate with the distinct institutions like the Public Prosecutors and distinct police forces that are based in this municipality.

For the IC to work it is necessary to have a support system...and that back up, we find it in our own traditional institutions' providers of justice, that is why the Council of Elders is here, and the committee of justice of the OIT. Also, there is representation of the UNITONA, and advisors of the OIT, and of some community councils(OIT community judges). All them together have to support

the initiatives that we have and help guide the Indigenous Court⁷⁴ (Court Plan, March 2004).

The workshop gathered the most important pillars and indigenous leaders of the region. The IC had been somewhat sketched out in their view of how the application of justice should work and the material and human resources needed, such as the creation of their own police, the collective appointment of the community judges, the decision making and the administrative bodies. The indigenous judge, the mediator, as well as all the other collaborators, the council of elders and supporting staff that would work on the IC on a daily basis did not expect a salary. The payment sent by the state government was thought of as compensation for their services, in part due to its reduced amount.

Over time, however, the organization suffered from internal fragmentation. Years later while I was doing my doctoral fieldwork in 2007, the indigenous authorities of the IC felt isolated. Further, the isolations had various effects reflected in the noticeable shift in administrative needs, in their discourses, which revolved largely around money, salaries and the needs for resources to run the court. In the beginning, the leadership of the OIT had the energy and human resources to focus on the IC. The OIT became a spectral presence, not a real platform that could support the IC. Discussions emerging within the organizations of how cases were being handled and the administrative workings of the court caused even more division.

⁷⁴ These statements are result of a workshop that took place in March 2004, a month after the Indigenous Court opened. All community leaders, elders, advisors, lawyers specialized in indigenous rights, church leaders, were present with the objective of elaborating a road map of the workings of the IC following the traditions and custom of the communities.

Paradoxically, the IC survived this moment in part because it was an actual state entity that could run with or without the OIT leadership. Yet, the state was also a delimiting factor in their practice of communal justice. These limitations challenged the ability of the indigenous authorities and the staff to fulfill the plan set for the IC by the OIT and the regional organizations. This process was not, however, unidirectional. The IC challenged the multiple state protocols imposed from above and the municipal authorities and its status quo which situated the authorities at the crossroads of power relations and strongholds in the municipality overall.

In the next section, I have selected cases that reveal the everyday constructions of justice through the exercise of Totonac traditions and customs, and their implications for Totonaqueidad. These ethnographies go beyond the iterations of indigenous leaders and intellectuals embedded in global discourses of indigenous rights. It is within ritual acts such as measuring land, or mundane acts such as saluting passersby that “usos y costumbres” attain significance and meaning.

Haciendo Justicia: Weaving Horizons of Possibilities

Through ethnographic description I analyze the indigenous authorities' practices and discourses around “usos y costumbres” and the effects of such practices on the Totonac perception of individual and collective selves. These ethnographic narratives unveil a central aspect of this chapter, the logics through which the indigenous authorities are legitimized and community hierarchies are reinscribed. The examples I focus on involve the ritual of *deslinde* or land demarcation, which are exclusive to the IC except in the rare occasions I will touch upon in the last section of this chapter.

One of the more prevalent types of cases resolved through the Indigenous Court pertains to the issue of land demarcation. The cases have different layers of complexity given the multiplicity of relationships at play and the extended networks they involve. Further, the Mestizos place these cases of land demarcation within the realm of Totonac customs, and therefore they are exclusively taken care of by the IC. I chose these cases to exemplify the multiple relations and knowledges that are created and recreated in the act of land demarcation, the structural underpinnings that are inextricably tied to land distribution and ownership, and the multiple ways “difference” is structured via indigenous justice vis-à-vis *la justicia del tumin*.

As explained in chapter 1, private property is the predominant form of land tenure in the Totonac region of the highlands of Puebla in comparison with the generality of indigenous regions in Mexico. The land is exhausted at multiple levels. Because of the scarcity of available land, peasants are not able to leave the soil to naturally recuperate the nutrients needed for a fruitful harvest as traditionally practiced. Other peasants must rent land in the surrounding communities to meet their needs. The effects of this situation are highly visible and are of great concern for the Indigenous Court as families fall apart, siblings engage in long-term conflicts, and the elders—traditionally respected heads of families—are dispossessed of their titles by their own children or grandchildren who are in desperate need. The processes of land dispossession creates fragmented communities as families engage in long-term disputes for land affecting the immediate family as well the larger network of fictive kin that support the communal logics.

The Indigenous Court plays a key role in mitigating contemporary conflicts emerging from the lack of land. The moral and legal practice of demarcating land,

setting the limits of the amount and boundaries of the land of each individual in the family, as well as the limits of the each family's land within the community, are central in today's context, as peaceful coexistence and communal bonds depend on keeping a fair and transparent process of demarcation.

Yet, these land conflicts and the rising need for land demarcation is inextricably tied to the state project of governance. These processes reflect the way the state has historically intervened in rural communities and explicitly underscores the present logics of governance and state intervention. Previously there was not as much legal demand for land demarcation. Within the communities, families passed land through traditional methods without the need of state recognition. Given that most of this region's land was privately owned and that the Totonacs overall did not participate in the struggle for land in the seventies and eighties, state intervention was minimal. The state's shift to neoliberalism, however, resulted in widespread regulation of all aspects of land tenure. Within these neoliberalized logics, land demarcation responds to the government's need to control natural resources and the general population as a strategy of governance. The state requires peasants and indigenous peoples to demonstrate ownership of land to be considered for the distinct poverty relief programs.

In this context, many Totonac came to the Indigenous Court to ask for a "constancia de propiedad" so they could enroll in state programs like Oportunidades, Procampo, and the like or to proceed with the land certification program. The indigenous judge understood that this document was necessary in order for the Totonac to get financial support. Therefore, he facilitated the process of acquiring land certificates so that community members could take advantage of state resources: "*Pues me lo piden y se*

los doy si no como van hacer para agarrar esos dineros que necesitan.” The judge’s sense of moral responsibility weighed heavily on his legal actions and resolutions. In sum, in the eyes of the indigenous judge, justice is a lot more than a legal procedure; it is an act of resistance and positioning against the state from within.

Now, back to the land demarcation narrative. The process of land demarcation⁷⁵ that the Indigenous Court practices is highly complex and involves a series of legal resources as well as traditional knowledge of the community and community practices (“usos y costumbres”). Throughout my fieldwork I was able to attend many land demarcation events. I call them events because they are highly ritualized and involve a series of traditional and state institutions and authorities. The indigenous judge takes center stage and is legitimized throughout these events as the community’s moral authority. Yet, each land demarcation event is different because of the multiple moving parts involved. That is, sometimes these events take place between family members, sometimes between community members and sometimes both. Other times, these events are the result of a dispute between family members over a piece of inherited land, a piece of purchased land, or in the worst cases, land that has been lost due to debt, etc. In addition, the character the event takes depends as well on the court authorities that assist each case. Usually the Indigenous Court attendees are the two secretaries and the indigenous judge. The mediator, who was a lot older than the judge and had health issues, rarely went to the land measurements and would stay at the Indigenous Court House together with the representative of the Council of Elders taking care of business.

⁷⁵ Remember to note that land demarcation is the first step to “regularizar la tenencia d ela tierra” the end objective is to get property titles.

Measuring land is not an easy task, particularly with the scant resources available to the court authorities. The Indigenous Court officials start these legal procedures early in the morning. The state does not pay for transportation to the sites, so the authorities either have to walk or pay out of pocket. Walking to the various communities takes an average of an hour to an hour and a half, and the Indigenous Court authorities would schedule two to four land demarcations around the area. I had no idea this was usual, so the first time the Indigenous Court invited me to one of these events I was unprepared for length of time and physical endurance required, particularly because the event requires many ritualized steps. In total, the three land demarcations I witnessed took almost seven hours of labor and two more hours of walking to the sites. These demarcations took place in Putlunichuchut, one of the farthest communities and the home of the indigenous judge.

One of the Indigenous Court secretaries, Pablo, who lived in the center of Huehuetla agreed to meet me at the 7:30 a.m. bus to Papantla Veracruz, which passed right in front of the house where I was staying. I was ready and eager to go as I always enjoyed talking to Pablo, Mario (the IC secretaries) and Don Manuel while walking. This was a great ethnographic opportunity to observe, among many other things, first, the relationship between the indigenous authorities and members of the communities and second, the interaction of these “traditional” authorities with the local Mestizos and other “outside” agents.

I boarded the bus and found Pablo seated in the front row, next to the window. I greeted him and quickly sat down next to him as the rocky and uneven road uphill was always treacherous and one could get seriously hurt if not securely seated. The bus was medium size (approximately 40 seats) and half full. The people on the bus were mainly

teachers, indigenous and non-indigenous, commuting to the community schools from the center of town⁷⁶. Paying for transportation is a pretty straightforward marker of class. The Totonac who are not teachers have limited resources and prefer to walk, as daily transportation is costly. Many Totonac save their money for emergencies and for the Sunday market, *día de mercado*, when they have to transport their produce to the center of town to sell and bring back home produce and goods for the week.

As the bus approached the fork where the roads part in two, we jumped off. The bus had saved us the 40 min walk it takes to get to the entrance of the community of Xonalpu, but now we had to walk another hour towards Putlunichuchut. We stopped by Mario's house in Xonalpu, the other secretary, but he had already headed out. We continued on our own talking about the future of the Indigenous Court. While crossing through Xonalpu, we encountered a group of Totonac who were hard at work clearing the roads of weeds and underbrush with their machetes. I asked Pablo if they were doing community work and he answered "*no, ya nadie trabaja de gratis*"—no, nobody works for free anymore. The municipality through the government put in place a program that would hire part-time Totonacs to clear and weed the streets that previously was taken care through collective work. Finally, we arrived at Don Manuel's house, where he received us and offered us coffee as the custom dictates. We stayed for ten minutes before setting off to the multiple appointments.

The first house that the Indigenous Court had scheduled to measure was the indigenous judge's godmother. She was an elderly widowed woman with no children.

⁷⁶ Rural teachers, many indigenous, many mestizos, live in the center of town and commute to the "peripheries", to the indigenous towns, to teach "non-modern" children.

She wanted to have her land title ready for when she died, as she wanted to transfer her small plot, legally called a *sitio*, to the young son of a woman she was very close to, a single mom who struggled to get by. We crossed the dirt road in front of the judges' house and walked down a small entrance path. The house was right there. A small, humble, shack made from wood planks. The house was old; the planks were corroded and weak. Mario, Pablo and Don Manuel all carried the distinct tools used for measuring: a 50-meter standard lasso traditionally used for measuring, a notebook, the Court's official stamp, pen and pencils.

The judge's godmother received all of us and we were once again offered coffee. We waited a few more minutes for the *compadres* (fictive kin) to arrive as they traditionally serve as legal witness during the demarcation process. It was just a matter of minutes before the two *compadres* arrived. Once there, we walked towards the small corner end of her property, and the judge and secretaries started their job. They threw the lasso following her property border, traditionally marked by trees and wooden posts. The *compadres* then verified the positioning and trajectory of the lasso. The same action was done over and over again until they had measured the four corners of the property. It took an hour to measure this particular small lot as the authorities and witnesses had to clear the path of weeds, plants, rocks, branches and other natural debris so the measurement could be done properly.

The temperature that day was above 100 Fahrenheit and humid. Within the first 15 minutes, we were all covered in sweat. While they measured, jokes were thrown around in Totonac. Once they finished, we returned to the *madrina* house. The legal process, ritualized, kept on going for another fifteen minutes as the Judge aided by his

secretaries, wrote down measurements, verified them with the witnesses and stamped a temporary receipt so later the *madrina* could claim its legal documentation at the Indigenous Court. Lacking laptops, cell phones, and equipment to produce the document on the spot, the authorities had no choice but to finish the tasks another day back in the office.

Once the paper work was finished and signed, we were asked to sit down. The judges' godmother together with her *comadre*, whose son would eventually receive the land, were hard at work pulling tortillas out of the *comal* and serving mole, a semi-sweet spicy thick sauce made out of chiles, chocolate, peanuts and spices. It is traditional to serve a meal when receiving authorities. The ambiance was ceremonious as we waited to be served. Not much talking just respectful silence. Once we had our food in front of us, mole with *total* (guajolote), a stack of fresh hand made corn tortillas, a cup of cool sweet coffee and *refrescos*, the judge began to speak in a rhythmic way. He spoke of how things were rapidly changing and the conflicts emerging from not following the traditional custom. He started narrating a recent case of a couple that wanted to marry. The man had asked the young woman's family for her hand. The family accepted his request but only if he met with the traditional requirements. That is, he had to visit the woman for a year and bring gifts to the parents. Once the year had passed, his family would pay a visit with gift offerings in exchange for the woman. The family of the man was poor and was unable to meet the requirements that were asked of them. They were negotiating, but an agreement seemed far off.

Nowadays many couples decide to elope either because their parents do not give consent of their relationship or because the groom's family lacks the resources to bestow

the traditional “gifts”. This case was no exception: The couple decided to elope. This is traditionally known in the communities as *robo de mujer* but most of the time it is a consensual act where the man takes the woman to his house to start a life together out of wedlock. The woman’s family proceeded to press charges for the robbery of their daughter. Such types of community and family affairs are not solved in the local Municipal Court. *Robo de mujer* is not included in the civil codes, and kidnapping, as some Mestizos considered *robo de mujer*, belongs to the criminal courts. The point here however, beyond how this particular case was solved or to which court or realm of law it pertain to, it was the role of the indigenous judge during this ceremonious gathering and traditional protocol and the story he chose to narrate.

The witnesses, the secretaries and all present guests, including me, were deeply involved in the judge’s story telling. Don Manuel spoke in Totonac and would often switch to Spanish⁷⁷. The men, every so often, would nod signifying disapproval of the couples’ actions, or would intervene, with a chorus like precision of “*híííjole*”, or a long and soft “*ahhh*”, or “*ajam*”, utterances that reestablished the judge’s legitimacy as well as the communities moral code. This interchange highlighted Don Manuel’s role as the Totonac indigenous judge and as the president of the Council of Elders, is to serve as the moral authority, to provide the knowledge and moral basis for the Totonac community to (re)establish and (re)imagine traditional customs and practices.

After the story, we walked fifteen minutes through increasingly rougher terrain to the next household. As we approached the house, I could see and feel a lot more activity,

⁷⁷ The judge went back and forth from Totonac to Spanish in this case since most of the attendees were men and all spoke Spanish, yet his godmother did not so he spoke Totonac and basically translated in Spanish in order to include me, the non-speaker.

there were a few men outside the house talking in Totonac, from the outside as well we could here several set of hands clapping rhythmically signaling women making tortillas. We entered the house to find around 12 people awaiting the judges' arrival. We greeted all the people inside with the traditional handshake, which is a gentle caressing of the hand, a light touch as one simultaneously nods the head and says "*tlen*". Within the crowd inside the home were two women dressed in sports suits, tennis shoes and the same model of soft pink cotton t-shirts. I knew they were not from the community or at least did not reside full time in Putlunichuchut, as it is known for being one of the most "traditional" communities in the municipality of Huehuetla. The women spoke perfect Spanish and Totonac, and both made sure to let the judge know their "outsider" position. The women spoke and moved around the house in a very different manner than the women from town, occupying spaces usually for men. The women moved around the living area, giving orders to women and men alike regarding the organization of the meal and the event in general. The rest of the women were mostly in the kitchen taking care of the meal. There were cases of beer and soda on the table to be served after the demarcation process.

The land to be measured was a small plot in a crowded area. The plot included the habitation and a very small space for vegetable gardening and coffee plants, a traditional set up among Totonac households. The owners were three Totonac sisters, the two women present and a third woman who was unable to attend. The three sisters had inherited the land from their father, yet they all had left Huehuetla to go to Puebla City twenty years prior to take care of the absent sister who had severe arthritis and needed specialized medical treatment. They never returned and had no future plans to do so.

Their nephew, who was landless, lived with his wife and son, in their house. Under these circumstances, the women wanted to formally transfer the property to their nephew. The nephew, according to the indigenous judge, was known as a hard worker in the community. He had married according to custom, and had a small child.

The land was measured following the same protocol and ritual manner as before, except this time given the large size of the family there were six witnesses that verified the indigenous judge's demarcation measurements. While measuring, there were a lot more jokes and talking involved. The men and women were happy and celebratory. Once they finished measuring, we went back to the house and the indigenous authorities finished the paper work needed to create the legal documents, all done by hand.

When we returned to the house, the two women from Puebla were coordinating how the meal was to be served. The nephew, wife, and the two other community women present were hard at work putting the meal together. Other women stood next to the *comal* striking the corn dough between their hands, in a clapping sort of movement, making perfect, round tortillas. They placed them in the *comal*, turning them once the dough started changing color, and then waiting for the air to fill the inside of the "belly" of the tortilla to pull them out. They would come and go from the kitchen, which was unusually situated in a small corner of the house divided off by a few wooden boards, with stacks of steaming hot corn tortillas. The smell of hot corn tortillas and recently roasted chiles and spices for the traditional mole enveloped the wood-board house⁷⁸. The

78 Traditional homes of Totonacs with money are made of local clay and are usually large rectangles where multiple divisions can be made organically like corn *costales* or cardboard boxes with living utensils or clothing. Less well-positioned Totonacs live in houses made out of wood planks or even *cañas* that give little protection during the winter months.

two women in an almost harmonious manner would order their relatives, men and women, to serve the drinks and the meal. Beer was a central component here. The hosts made sure the indigenous authorities had at least two beers with their meals. *Xaxun*, beer, signifies economic status and privilege. Not all people could afford to buy such a luxury item. I was offered beer as well, but not as often and not as insistently. I usually avoided drinking. I felt vulnerable being in such a gendered space. I could easily become the subject of community *chisme*, gossip, related to my position as an outsider woman in an all male space. In such a context, I was extremely careful to maintain a drink-free image under the watchful eyes of the community men and women.

Before we started the second meal, one of the men in the crowd approached the indigenous judge to remind him that there was one more household awaiting him and that food was going to be served there as well. He was the host of the third land demarcation case and was making sure the indigenous judge would not stay too long in this second household as he had already invested in the meal and had probably made use of his fictive kin ties for the event⁷⁹, these are delicate relationships that always require the same amount of work to be returned when it has been given.

Once we finished our meal, the judge stood up and moved to the adjacent bench. He started to talk in a slow manner in Spanish, switching off and on to Totonac. By this time, we had all stood up from the table and reorganized around the room forming a loose, open circle. The judge directed his speech to the nephew receiving the land and his commitment to his aunts who had gifted the land to him. The commitment consisted of

⁷⁹ Each of the households spends a lot of money, resources and time on these events so if for some reason it does not proceed, food, money, and time are wasted.

receiving and hosting his aunts whenever they visited Huehuetla. The judge, in a sort of admonition, warned him about preserving the family dynamics and honoring his elders by making sure such commitments were met. The family present agreed and intervened at times with nods and words of approval, reinforcing the judges' speech. As the judge spoke the secretaries transcribed the stated terms and conditions under which the land was being ceded, hard work given the lack of computer equipment. At the end the *testigos*, witnesses, and family members directly involved in the transaction looked over the secretaries' notes including the accuracy of land measurements and the commitments made in public. Once the judge and secretaries finished, we were escorted out of the house by the man who was waiting to have his land measured.

We were glad we were on our way to the last case. The temperatures were scorching and our stomachs were full with the two heavy meals we had had in less than four hours. We were all looking forward to sitting down and resting for the day. I was as tired as they were, as I was not used to the constant walking and climbing under the sun.

The last case was of a man who was transferring his land to another man who had lent him money over a decade ago and was unable to pay him back. A couple of months back, the lender initiated a complaint through the Indigenous Court. Pressured by the judge who lived in the same community, the man initiated the land transfer in order to cancel his debt. In this particular case, the receiver of the land provided the meal and drinks since he was the one that initiated the process. The ambience here was not as festive, yet the procedure was meticulously carried out in the same way as before. The plot, which was not a *sitio* like the previous two, was an actual cornfield situated next to the road. Like most of the land in Huehuetla, it was on a steep hill. I was unable to follow

them at all so I sat down at the side of road from where I could look up and see them moving around and occasionally hear them laughing. While I waited, a young man sat next to me and asked me all about my work, the cost of my clothes, work utensils, and watch. He asked the amount of time it took to get to Huehuetla from my home, the cost of my flight and the like. I had encountered similar curiosity throughout my years in the field in indigenous and rural areas; such questions always made me uncomfortable. I tried to find a way out, but usually I was unsuccessful. He made a very quiet humming sound, mmm, and then a long pause to let me know that he was listening.

The ethnographic passages of these “traditional” land demarcation procedures and resolutions gives a glimpse of the internal logics of the Indigenous Court and the multiple spaces and sites in which languages of rights and “usos y costumbres” are produced and circulated. In the cases described above, the indigenous judge was legitimated in every ritual and practice of land demarcation, reinforcing, through the language of “usos y costumbres”, the court’s jurisdiction and legitimacy within the Totonac communities. These collective practices of land measuring perceived and understood as “traditional” reinforced family and community roles, strengthen kinship ties (fictive and non-fictive), and reestablished collective communal practices of labor exchange as the banquets that took place were only possible through the collective forms of labor imprinted in the logics of *compadrazgo*, *mano vuelta*, and similar “customary” practices. The content of the judges’ speeches in these events underscored the role he plays as a “traditional” authority in reestablishing the Totonac moral codes and a sense of community. So even though, for example, past “traditional” practices and codes of marriage are considered a fragmented and in many instances no longer consistently observed force, the judge found

a way of speaking that (re)established in the Totonac imaginary what “traditional” practices look like in the new global context integrating, in ways unimagined before, the new roles women play in the Totonac communities.

This chapter analyzes the multiple forms of knowledge production, and alternative and not-so-alternative discourses of *usos y costumbres* within the IC. It also considers the way each of these realms meet and separate at distinct scales and moments in time. Despite these perverse confluences, the logics of traditional justice or indigenous forms of justice respond to interests and needs that are distinct from those applied through the Mestizo Court of Huehuetla.

My intent was to show through the ethnographic vignettes the many ways, conflicting or not, that discourses of *usos y costumbres* circulate, particularly considering that these languages in the process of circulation took on a life of their own with distinct formulations (Wilson 2006; Merry 1996). Further, the examples provided attest to the emergent decolonial assemblages that contest modernist/liberal understandings of selves and the ideological core behind capitalist constructions of property rights as individuated possession⁸⁰. Claims to a *justicia propia* in light of the capitalist and racialized logics of *la justicia del tumin* and its direct reference to property rights and individual personhood, gendered, acquire leverage in light of decolonial movements throughout the Americas.

80 Africanist anthropologists Comaroff and Comaroff trace the relationship between property and rights: “‘Right’ in the sense of ‘good’ was elided into ‘rights’ in ‘goods,’ the ‘properties’ of subjects into the subject of property. That is why property rights were the prototype on which other human rights, conceived as private possessions, were founded” (Comaroff and Comaroff 1997).

CONCLUSIONS

Discussions of race and racism in Mexico are prescient. Important academic and non-academic initiatives on the subject have arisen. Yet, the majority of the non-indigenous population still resists such conversations. *Race is not an issue in Mexico*, many say. Others believe that bringing race and forms of racialization to the forefront will only exacerbate the power-laden relationships and social inequality to a point of no return. The few that want to talk about it are many times shunted aside. We are portrayed as bringing foreign, imperialist ideas to a different reality.

Rightly, racial discourse and sensibilities are informed for many of us by our experience as racialized subjects in the US. That is to say that this dissertation emerges in part from both my working with marginalized populations in Mexico and from my re-positioning from a middle-class urban Mestiza to a brown Mexican immigrant in the United States.

In Mexico, the refusal and negation of racism and thus race, and the sedimentation at all levels of the social life of Mestizaje requires that scholars not superimpose theoretical frameworks from other social formations and experiences of racialization. My application of Quijano's conceptualization of coloniality of power creates the possibilities to think through the long *durée* that considers not only race but also its intrinsic relationship to capitalism and particular forms of labor exploitation.

My intervention is urgent given the high stakes of indigenous movements across the Americas. Quijano's theoretical proposition of understanding contemporary social relations in the Americas through the lens of coloniality of power opens up the important

task of talking about the racial sensibilities encoded in Mexican society. More specifically, the concept situates race and labor as the structuring forces behind modernity in Latin America. It likewise holds Eurocentrism as the subjective frame that weaves these forces together, generating and naturalizing a hegemonic commonsensical sense of social order that infuses the multiple projects of Mestizaje across the region. In this way, the colonality of power proves useful in capturing the multifaceted nature of contemporary technologies of neoliberal governance, how they complexly draw on and intensifies previous power structures and forms of dominance. And, this process is exemplified in Huehuetla as the state institutionalization of indigenous rights and concomitant languages like that of *usos y costumbres* works to the advantage of late capitalism at distinct scales:

First, the necessity of cost-efficient governments reconfigured through market logics are central for state-sponsored multiculturalisms. What Rose called “governing through community” in this respect helps generate an analysis of the conditions for such market logics to work by drawing on affective links, subjectivities and forms of organization claimed as traditional. As I have documented in this dissertation, the municipal government and federal government programs draw on the Totonac logic of “servicio” and “faena” —communal labor based on an understanding of reciprocal relations among community members. Such logics are found through out the contemporary municipality and are exploited by all state institutions within it. Money, services, and social programs are many times granted in exchange for “free” labor, which I explored in chapter 2. The exchange, however, is by no means is reciprocal; it only

reaffirms the coloniality of power as Mestizos rarely are asked to do these services, or if they are obliged to do them, they can afford to pay their way out of it.

Moreover, the Indigenous Court in particular plays an important role in the efficacy of governance through out the region. On the one hand, it takes away the more costly and less effective work of the Municipal Court —its corruption, patronage, and pervasive, and , insidious racist practices. Indigenous authorities under moral obligation ofto serving the Totonac communities assume much of the transportation costs to the communities involved in the jurisprudence and justas well as overall costs that the state should cover. Moreover, technologies of illegibility, where Totonac and non-indigenous logics of jurisprudence confront one another amid intensified ideologies of anti-indigenous racism, articulate to create everyday practices of policing in the context of neoliberalism, effectively governing through multicultural logics and its their perversions. That is not governing through community, but policing through normalized cultural imaginaries.

All of these neoliberal strategies of governance tell of the new techniques of power and the role indigenous "customs and traditions" play within them. That is, the languages of *usos y costumbres* are invoked as much as languages of race, gender and class, as much as decolonial and rights languages. These competing formulations are complex assemblages weavedwoven historically through unequal social relations, or, to be more precise, weaedwoven in Mexico as well as the rest of Latin America through “in a chain of relations of colonial domination” (Cusincanqui 2010).

Nevertheless, I point to the fissures that emerge from the state's institutionalization of the Indigenous Court and the Totonac desire to be recognized by

the state as a peoples with rights. The analytical concept of governing through the community, although telling, is not enough to understand the new configurations of power. It does not provide sufficient analytical ground for understanding and making visible the everyday actions that challenge such this biopolitical order. In chapters 3 and 4, I particularly delve on into these issues. There I argue that in this case, despite the larger structures of domination and economic inequality, the organized Totonac have provided a simultaneous alternative space from which to contest power, even within the state. In other words, this dissertation is *not only* an exercise in charting the deep structures of a dominating racism, masked in power relations during the short moment of neoliberalism and its cultural iterations. To do so would erase the multiple contingencies and alternative invocations of culture marshaled by the Totonac in their daily struggles with the minority non-indigenous others.

Multicultural reforms, that is, are also a moment of contingency. They are an attempt to contain particular histories of struggle and their contemporary currents. Racial hierarchies, as revealed through the coloniality of power, do not totalize social relations. Human agents can draw on emergent assemblages, such as the language of rights and movements of resistance, to disrupt, depart from, or challenge neoliberal multiculturalisms. They imagine better worlds and they draw upon neoliberal institutions to recast relations, discipline other authorities, and check non-indigenous power. In this respect, the Indigenous Court is central in certain currents of decolonization; it is a nodal point to reframe, articulate, and re-constitute Totonac subjectivity and social power.

These are the core themes that emerged as I started capturing and organizing field notes and interviews. The scope and depth of the Totonac words, actions and

understanding of themselves as Totonac, their agency, and the everyday construction of their social power came alive. The possibility of imagining and desiring an-O/other world and future is not random and is not automatic. It is the legacy of political struggles in which the meaning of their actions and the world around them is reconfigured, reimagined, and kindled by new spaces. Thinkers on decolonization like Franz Fanon see these processes and struggles as conducive of collective identities, which challenge “individualism emerging from the colonial order.” Many intellectuals from the South center their analysis precisely on these histories and sensibilities in order to unveil the emerging non-neoliberalized articulations as well as decolonial epistemologies.

In Huehuetla these sensibilities and histories emerge in the everyday practices of indigenous justice and related relationships creating a communal sense of belonging in which *usos y costumbres* plays a big part. *Usos y costumbres* as rights languages were understood in relationship to their history of exploitation and racialization of the Mestizo, and this process is captured in the Indigenous Court.

The potency and power of such languages as well as played an important role in contouring Totonac indigeneity. These languages gained at distinct times political, and times economic salience, and sometimes both. Overall, the Indigenous Court played a crucial role in generating what Raúl Zibechi calls non-state forms of power—what Totonacs understand as autonomy—through the everyday practices of state-sponsored indigenous jurisprudence. These practices are crystallized in the Totonac ethics of being and relating through practices of what they call *la justicia propia*, and it is contrasted with *justicia del tumin* (“money” in Totonac). It is within this ethical stance that the indigenous authorities do justice. They affirm a web of relationships internally and

externally that challenge the pillars of the individuated subject of liberalism and its inextricable link to individuated parcels of private property. The land delimitation cases and struggle for a just resource distribution presented here speaks to these embryonic de-colonial formations⁸¹.

In this respect, land delimitation presented itself as an articulating vein and a core aspect of Totonac indigeneity. Boundary questions are infused with a distinct sensibility about land not necessarily tied to private property but to territory as a wider scale and understanding of land and space that encompasses man and nature and reflected in particular ecological practices and modes of production. Yet, despite being embedded in a private property regime, the Totonac claim space in a collective communal way and create a community based withon particular ecological practices and modes of production, informing their sense of justice, affirmed in the Indigenous court, and then circulating outwards into the community. These are also reflected in *la justicia propia* versus *la justicia del tumin* and the latter embodiment of individual rights and property rights.

It is important to understand the complexities within these discourses and practices around territory, land as private property, and its ties to the Totonac community. In that respect, Don Salvador, a well respected member of the Council of Elders, which I interviewed and visited right before he passed away in the year 2000, mentioned several times when talking about collective aspects of indigenous rights: *“It is not about giving away our property or our things (pointing to his hand corn grinder) resulting from our*

81 Cautionary note, these practices do not sail smoothly within the web of relations that compose the Huehuetlan social body. Class, race, and gender relations are framed within the logics of mestizaje reproducing at all times uneven entitlements through the everyday reproduction of social hierarchies.

hard work. No. I don't want to give my things away, they are mine, and I will sustain that. This is about preserving our community, our ways of life, and our traditions". He disagreed with some Totonac leaders who argued against individual property. Don Salvador's understanding and contention was that Totonac communities had to be understood and conceptualized within their own historical process in which the privatization of land was a central part of their form of organization. His argument renders visible the distinct experiences and understanding of indigeneity within the communities, its relationship to the land, to the territory, to life itself. Further, these processes are not a seamless process but rather a process configured in the everyday practices, negotiations, and political strategies among Totonacs. It is a process that weaves together desires as much as the lived experience.

The proposal Don Salvador sketched out in his critique breaks with idealized forms of indigeneity and points to the distinct historical formations and understandings of such lived experience positing. Further, his argument situates Totonaqueidad in a different realm that went beyond the immediate materiality of land to a symbolic realm embodied in the mythical and political hailing of the lost paradise of the Totonacapan. The centrality of land at this mythical and ethical scale to which Don Salvador speaks correlates to the centrality of the land delimitations within the Indigenous Court Jurisprudence. Both are central to the making of the community, the unfolding of social power in past, present and future. I make this correlation to point to the multiple forms and expressions of Totonaqueidad. The Indigenous Court, link as it is to land disputes, in this respect provides a key space from which to create and recreate the Totonac community; the lost paradise of the Totonacapan.

The Mestizo interpellation and Totonac affirmation of land delimitation as exclusive to Totonac jurisprudence index these spaces as ones that exceed the state⁸² and which contain horizons of possibilities.⁸³ It is within this realm that Totonac customs and traditions, *usos y costumbres*, isare redefined, reenacted, lived and disputed. Totonacs' daily lives are intrinsically linked to land. Their relationship to land relates directly to a particular ethical and moral codes of being Totonac; a being, historically marked and embedded within an on going relationships of coloniality. Yet at the same time, this understanding of indigeneity is juxtaposed, with an understanding and subjectivity deeply marked by centuries of cumulative indigenous knowledges articulated through a particular understanding of time and space which organizes Totonac society.

In that sense it is important to understanding the Totonac subjective experience of being in relation to territory, to their communities and the way in which these run through the everyday life. According to the Indigenous Judge, a Totonac is a person that *knows how to work from sun to sun, one that can work all day under hard conditions*. He is speaking of the lived experiences of Totonac colonial relations of labor exploitation and racialization, the marginality lived and embodied through the indigeneity, but it also speaks of a particular cumulous of knowledges and forms of organization and social relations particularly visible through relationship to the territory in all its complex connections to the environment, the cultural and the social. During field research for my masters, I articulated the centrality of territory of an imagined territory “The Lost

82 Despite being created by the state.

83 A similar situation happening in Hopi jurisprudence in which is precisely in the land cases that Indian sovereignty is in a processual manner deconstructed and constructed over and over again (see Justin Richland 2008).

Paradise of the Totonacapan”⁸⁴. A political articulation of their autonomic project based on mythical stories of the prehispanic territory. This time around, my research had a different set of questions and interests. As I finished this work I realize the centrality of territory within the Totonac struggle and the way it plays out at distinct scales and unfolds through out distinct spaces of Totonac social life, conflict, aspirations, desires and imaginaries. So when the Indigenous Judge lays out the meaning of Totonac indigeneity he juxtaposes both formations and subjectivizations; the on going logics of racialization and the on going contestation and reconfiguration of these subject positions.

Territory in its discursive as well as material aspects is important in relationship to the multicultural legal regimes and the excess (Poole 2006) produced at its margins. The disjunctures and ambiguities produced by the state- sponsored multicultural state institutions speak to the simultaneous processes of neoliberalization and decolonization (Gustafson 2009) that play out within the Indigenous Court and its effects in Totonac perceptions of self.

Lastly, this dissertation evolves in a context of political conflict among Mestizos and Totonac communities. In such contexts the polarization surrounding political discourse creates binaries, clearly oppressed subjects. Borders between communities become clearly defined. Agents take sides. However in the minutia of daily life social relationships, alliances, networks and the like are a lot more porous than how they are lived in a political struggle. This in and of itself does not entirely erase or deny on going tensions, political dilemmas and power-laden relations among Totonacs and Mestizos.

⁸⁴ *El Paraíso Perdido del Totonacapan: Imaginarios Territoriales Totonacas*. Thesis to obtain MA in Rural Development, UAM-Xochimilco.

Yet, María, a Totonac housekeeper of a powerful Mestizo landlady still shows up every morning and works for twelve hours in their home, Alma a Totonac student shows up to the tortilleria owned by the Mestizos and works again from sun to sun, and Don Sabio, a member of the council of elders, still hopes that the Mestizo owner of the *papeleria*, Don Ramillo, accepts to be the padrino of his grandson, and Juana, who for many years lived in a city, feels in-between worlds as neither community— the Mestizo or the Totonac— fully acknowledges her.⁸⁵

In other words, this dissertation is *not only* an exercise in charting the deep structures of race, masked in power relations during the short moment of neoliberalism and its cultural iterations and distortions. To do so would erase the multiple contingencies and alternative invocations of culture marshaled by the Totonac in their daily struggles with the minority non-indigenous others. Multicultural reforms are also a moment of contingency. They take hold in particular histories of struggle, bringing new life to old

85 Indeed, the Totonacs have played an important role in the national imaginary since the XIX century but as “nacos”. A derivative (aphaeresis) of Totonac, although murky in its origins, it is widely used and is considered to depict pejoratively indigenous people in urban spaces as “indisguisable Indian roots and blood” (Monsivais, 1997:51). Today this word, classed and racially charged, also travels through the highlands and plays out in historical divisions among Nahuatls and Totonacs. The former pushed the Totonac to the peripheries, yet again, of the Highlands during prehispanic times. Recollected memories, material evidence and national histories make way for these narratives of exile and of subjugation of the Totonac to the Nahuatls as well as to the Mestizo. I point to these complex formations because they also play an important role within the overall processes of decolonization and indigenous formation within the region.

Kimaxqui Una Lata de 'Carnation' was a phrase a dear Totonac friend used to explain to me the loss of Totonac language and the hybrid articulations. *Kimaxqui*, “give me” in Totonac, *Una Lata de*, “a can of” in Spanish, *Carnation* a brand of condensed milk in English: “We are loosing our language. People are speaking all mixed or don’t want to speak Totonac. In fact we are loosing it at a higher rate than the Nahuatl.” The Nahuatl vis-à-vis the Totonac are recognized in the national imaginary as the pillars of the nation except in the situation of interethnic relations the Totonac. This plays out in the marketing of the region within marketing discourses of millennial Nahuatl culture, privileging the Nahuatl not only discursively but materially by channeling resources to the municipalities that hold Nahuatl people. Such historical inter-ethnic relations resurface and articulate with logics of coloniality in today’s multiculturalist Mexican regime. Yet, as my friend’s phrase shows, within these complex regional and national racial formations and colonial structures of dominance and logics of extraction, Totonacs actively engage and take active part in resignifying these local and regional structures and hierarchies.

imaginaries, renewing them. Racial hierarchies, as revealed through the colonality of power do not totalize social relations. Human agents can draw on emergent assemblages, such as the language of rights and movements of resistance to disrupt, depart from, or challenge neoliberal multiculturalisms. They imagine better worlds and they draw upon neoliberal institutions to recast relations, discipline Other authorities, and check non-indigenous power. In this respect, the Indigenous Court is central in certain currents of decolonization; it is a nodal point to reframe, articulate, and re-constitute Totonac subjectivity and social power.

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This manuscript was typed by the author.